

RESOLUTION NO. 23.2012

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

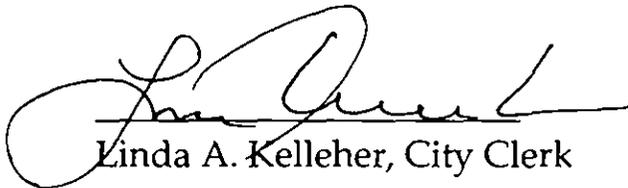
Denying the appeal of the Certificate of Appropriateness, as
attached in the findings of fact, for the installation of vinyl
replacement windows at 317 North 5th Street, Peter Hart,
owner.

Adopted by Council Jul 27, 2012



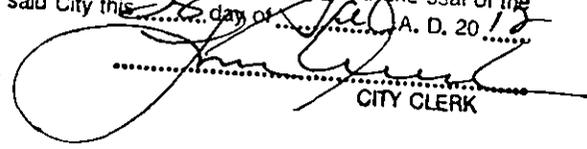
Francis Acosta
President of Council

Attest:



Linda A. Kelleher, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
..... passed by the Council of the City of
Reading, on the 27 day of Jul
A. D. 20 12. Witness my hand and seal of the
said City this 27 day of Jul, A. D. 20 12



CITY CLERK

**Appeal of Historic Architectural Review Board
Certificate of Appropriateness**

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
PETER HART	§	CITY COUNCIL
317 NORTH 5 TH STREET	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Monday, February 6, 2012 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) on the Certificate of Appropriateness for the installation of two (2) vinyl windows for the upper floors of 317 North 5th Street, owned by Peter Hart (Respondent). At their December 2011 meeting, HARB unanimously denied the issuance of a certificate of appropriateness that would approve the previously installed windows.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is part of the City of Reading Codified Ordinances Chapter 4 Part 1 – Historic Districts. The HARB is a board of nine (9) duly qualified members.
2. The Respondent came to the Historic Preservation Specialist when he purchased the property in 2010 and at that time he was provided with a copy of the current window policy, which did allow the issuance of a Certificate of Appropriateness (COA) for vinyl replacement windows
3. The Respondent provided a packet containing before/after photographs of the property and information about the project.
4. The Respondent testified that he obtained three (3) quotes which recommended replacement of the windows due to the deterioration of the window frames. However, only one (1) company, Rozzi Windows, provided an estimate that would incorporate the stained glass windows.
5. The Respondent stated that he ran into the Historic Preservation Specialist (HPS) over a weekend and she inquired about the boarded up windows at the property. When he told the HPS that he was replacing the windows with a vinyl

product, she informed him about the updated policy that does not allow vinyl windows.

7. The Respondent asked Council to overturn HARB's decision to deny the COA for the window replacement.

8. The Respondent testified twice, during Council's examination, that he obtained a City building permit.

9. The Respondent also testified during Council's examination, that HARB also expressed concern with the protective encasement of the stained glass windows. He noted that Rozzi Windows provided a lifetime warranty to include the windows encasing the stained glass.

10. The Respondent testified, during Council's examination, that the other windows in the building are vinyl and were installed by the previous owner.

11. The Respondent testified, during Council's examination, that approximately 40% of the windows in this block have vinyl or aluminum replacement windows. He noted that his is the only property that has stained glass.

12. The Historic Preservation Specialist stated that HARB must make decisions as per the Guidelines of the Secretary of the Interior; however, she noted that Council can make their appeal decision based on the merits of the case.

13. The HPS testified that this property has a historic rating of 130. She explained that 134 is the highest historic rating a property can have. She distributed photographs showing the property in the late 1970's and 2012.

14. The HPS stated that a violation letter was mailed to the Respondent after she received a complaint about the windows. She then relayed information about the new policy to the Respondent during their discussion over a weekend.

15. The HPS testified that that had the Respondent obtained a building permit for the replacement windows; he would have been informed about the new window policy. She stated that all windows at this property were installed without the proper City permits. She noted that the HARB Board addressed only the two (2) windows replaced by Mr. Hart and that he was provided with two (2) years to have wooden windows re-installed.

16. Laura James, HARB Board member, read a prepared statement describing the basis for the HARB's decision and noting their concern about the encased stained glass windows. She stated that the Respondent did not provide testimony regarding financial hardship or testimony on the deterioration of the window frames; therefore the Board cannot consider those factors.

17. The HSP stated that a COA was issued for the painted sand stone because the sand stone was painted by a previous owner.

18. The Respondent was instructed by the Council President to provide the Council Office with a copy of the building permit issued for the two (2) replacement windows. The Respondent did not provide a copy of the building permit to install the vinyl windows.

Conclusions of Law

City Council, after considering all testimony and reviewing all Exhibits, denies the appeal of the Certificate of Appropriateness and upholds the decision made by the HARB, due to the fact that the Respondent failed to apply for a building permit. Had the Respondent applied for a building permit, he would have been informed about the new policy which prohibits the use of vinyl windows and of the need for a COA before the window replacement project could begin.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal of the COA for the use of vinyl windows at 317 North 5th Street, Peter Hart, owner and furthermore agrees with the HARB decision which provides Mr. Hart with a two (2) year period to replace the two (2) windows with windows that comply with the new policy.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.