RESOLUTION NO. 113 2014

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

Denying in part and approving in part the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for the exterior property improvements at 733 Madison Avenue, Jose Vargas, owner.

Adopted by Council Oct 27, 2014

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 foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 27 day of Oct A. D. 2014. Witness my hand and seal of the said City this 28 day of Oct A. D. 2014

CITY CLERK

Appeal of Historic Architectural Review Board
Certificate of Appropriateness

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
JOSE VARGAS	§	CITY COUNCIL
733 MADISON AVE.	§	

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

On Monday, October 6, 2014 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 following exterior property improvements made by property owner Jose Vargas (Respondent) at 733 Madison Avenue (Property).

1. The installation of the wall mounted light fixture, the installation of decorative wood trim and installation of fluted and flat wood trim at the first floor front porch columns
2. The removal of all decorative wood trim as installed at the first floor front porch and the fluted and flat wood trim applied to the first floor front porch columns
3. The installation of two (2) white vinyl double hung windows at the first floor front façade window opening
4. The repainting of the first floor front porch decking with embellishment.
5. The K-gutter installed at the first floor front porch and matching downspouts

At their July 2014 meeting, HARB unanimously approved and denied the following improvements to the Subject Property:

RESOLUTION #50-14 - Motion: The Historical Architectural Review Board upon motion by Mr. Hart and seconded by Mr. Webster adopted the proposal to issue a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to paint the masonry façade yellow and to paint trim in the colors green and white at the front façade (violation) at 733 Madison Ave. was presented by Jose Vargas.
2. The HARB approves the painting of exterior surfaces at the front façade in the colors and location as described above, as completed.

The above work was unanimously approved.

RESOLUTION #51-14 - Motion: The Historical Architectural Review Board upon motion by Mr. Hart and seconded by Mr. Webster adopted the proposal to DENY a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to install a wall mounted light fixture and a white vinyl replacement window at the first floor front façade, install decorative wood trim and paint the decking at the first floor front porch, and install fluted and flat wood trim at the first floor front porch columns (violation) at 733 Madison Ave. was presented by Jose Vargas.
2. The proposed installation of the wall mounted light fixture and the white vinyl replacement window at the first floor front façade, the installation of decorative wood trim and painting of the decking at the first floor front porch, and installation of fluted and flat wood trim at the first floor front porch columns, as completed was DENIED (based on the Secretary of the Interior Standards #9).

In order to rectify the items in violation and restore the historical integrity of the structure, the Board ISSUES a Certificate of Appropriateness for the following:

3. The removal of all decorative wood trim as installed at the first floor front porch and the fluted and flat wood trim applied to the first floor front porch columns in order to return the configuration of the porch to its original condition and the columns to their original proportions as exists at the first floor front porch located at 731 Madison Avenue.
4. The replacement of the installed white vinyl double hung windows at the first floor front façade window opening with a single wood double hung window in order to return the window to its original configuration and material.
5. The repainting of the first floor front porch decking in an epoxy paint to be gray in color and not to include any embellishment.
6. The installed wall mounted light fixture at the first floor front façade is to be turned 180 degrees so that the globe of the light is facing downward.
7. The K-gutter installed at the first floor front porch roofline is to be replaced with a half-round gutter and all downspouts are to be 3" round in configuration to match the round downspouts on the upper floors of the building.

The above work as stated in numbers 1. and 2. was unanimously denied and modifications were unanimously approved as stated in numbers 3. through 7.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is part of the City of Reading Codified Ordinances Chapter 295 Part 1 – Historic and Conservation Districts. The HARB is a board of nine (9) duly qualified members.

2. The Historic Preservation Specialist learned about the inappropriate improvements to the Subject Property through a complaint and she visited the property to speak with the Respondent advising him of the need to obtain a COA before proceeding further. When the Respondent failed to submit an application, the Historic Preservation Specialist made a second visit to the property and noticed that additional work had been performed. The Respondent applied for a COA after the second visit.
3. At the hearing the Respondent testified that he was unaware the property was located within a Historic District but that he learned that the property was in a Historic District before he began the property improvements. He testified that he was unaware of the need to apply for a COA or Building Permits.
4. The Respondent testified that he believed that as long as his property appeared similar to other properties within the block his property would be in compliance.
5. The Respondent testified that the new windows replaced the original window broken by the Fire Department when they responded to a gas leak and the wood features were replaced to eliminate the cracked and deteriorated wood. He stated that when he purchased the property the K gutters were already installed.
6. The Respondent expressed the belief that he should be treated fairly, noting that many other properties do not comply with the HARB regulations and he asked Council to approve his appeal.
7. The Historic Preservation Specialist circulated photographs of the Subject Property and the adjoining property.
8. The Historic Preservation Specialist agreed that the changes to the façade are similar to others made to properties on the block; however, 733 Madison is not the same architectural style as the other properties and she agreed that the color of the façade and trim are appropriate.
9. The Historic Preservation Specialist testified that the original single one- over-one front window was replaced with two one-over-one windows installed side by side which is inappropriate. She also stated that the HARB Board wants the K gutters replaced with the half-round gutters and the 3" wide downspouts.
10. The Historic Preservation Specialist stated that building permits were not pulled by the Respondent and that other properties in the neighborhood and the area were discovered through the enforcement process and she provided some examples.
11. City Council, referring to the photographs, questioned when the wrought iron railing was installed. The Historic Preservation Specialist stated that the railing was installed before the property transferred to the Respondent.

Conclusions of Law

City Council, after considering all testimony and reviewing all Exhibits, denies, in part, and approves, in part the appeal of the Certificate of Appropriateness, 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 HARB requirements and COA provisions.

Order and Agreed Resolution

The City of Reading City Council hereby denies, in part, and approves, in part, the appeal of the COA the exterior property improvements at 733 Madison Avenue as follows:

1. The installation of decorative wood trim and the installation of fluted and flat wood trim at the first floor front porch columns – APPEAL APPROVED.
2. The removal of all decorative wood trim as installed at the first floor front porch and the fluted and flat wood trim applied to the first floor front porch columns in order to return the configuration of the porch to its original condition and the columns to their original proportions as exists at the first floor front porch located at 731 Madison Avenue. – APPEAL APPROVED.
3. The replacement of the installed white vinyl double hung windows at the first floor front façade window opening with a single wood double hung window in order to return the window to its original configuration and material – APPEAL DENIED.
4. The repainting of the first floor front porch decking in an epoxy paint to be gray in color and not to include any embellishment – APPEAL DENIED.
5. The installed wall mounted light fixture at the first floor front façade is to be turned 180 degrees so that the globe of the light is facing downward – APPEAL: DENIED.
6. The K-gutter installed at the first floor front porch roofline is to be replaced with a half-round gutter and all downspouts are to be 3" round in configuration to match the round downspouts on the upper floors of the building – APPEAL APPROVED.

The Appeals denied in numbers 3, 4 and 5 above shall be corrected within 90 days and the Respondent shall obtain the required building permits from the City's Building and Trades Division and a Certificate of Appropriateness from the Historic Preservation Specialist and the Historic Architectural Review Board where applicable. At the end of the 90 day period, the City shall conduct an inspection and enforcement shall begin if the correction process is incomplete.

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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.