

RESOLUTION NO. 127 2014

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 exterior property  
improvements at 306 South 5<sup>th</sup> Street, owned by Michael  
Wanner.

Adopted by Council 100 of \_\_\_\_\_, 2014



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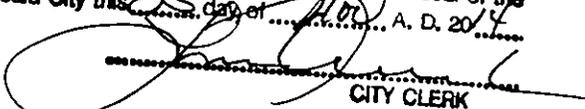
Francis Acosta  
President of Council

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  
Resolution passed by the Council of the City of  
Reading, on the 24 day of Nov  
A. D. 20 14. Witness my hand and seal of the  
said City this 25 day of Nov, A. D. 20 14.



CITY CLERK

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

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
MICHAEL WANNER	§	CITY COUNCIL
306 SOUTH 5 <sup>TH</sup> ST	§	

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

On Thursday, November 13, 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 Michael Wanner (Respondent) at 306 South 5<sup>th</sup> Street (Property).

1. The replacement of the decorative wood keystones and window hoods was denied (based on Secretary of Interior standards #2 and #6) because they are important character defining features of the building.
2. The paint color used by the applicant was a color clearly different than what had been approved previously. Even though the color used was listed as a historic color in company literature, it is not appropriate for the age and style of this structure and it was not approved by the HARB.
3. The restoration and reinstallation of the original keystones and window hoods to the façade within 180 days. The existing remaining historic keystone at the third floor front façade must be retained on the building. It can serve as a model for replicating the new keystones.
4. The paint color is to be returned to the original color as approved by Staff on September 21, 2006. A proposal for a new paint color may be submitted but the paint color must be approved by the Historic Preservation Specialist prior to its use. The restored façade must be repainted within 180 days.

5. The Historic Preservation Specialist will inform Code Officials that the applicant may not finish the work he has started and that he must restore the façade within 180 days.

6. The Historic Preservation Specialist can advise the applicant as to companies that could replicate the decorative elements he has removed from the building façade.

At their August 2014 meeting, HARB unanimously denied the application via Resolution 59-2014 and the applicant was ordered to make various corrections to the façade within 180 days.

### **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 issued a Stop Work Order and the applicant submitted a COA application which was heard by the HARB at their August 2014 meeting.
3. At the hearing the Respondent testified that he was unaware the property was located within a Historic District when he purchased the property; however, he also testified that he worked with HARB on property improvements to the windows and porches.
4. The Respondent testified that he finds the original keystones ugly and against his religious beliefs.
5. The Respondent testified the Secretary of the Interior Guidelines do not apply to his property as his property is not eligible for the Federal Register.
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 from 2006 and from August 2014. A sample of the paint color approved in 2006 was also circulated.
8. The Historic Preservation Specialist testified that Mr. Wanner completed a significant amount of work in 2006 and that he made application to HARB prior to starting the work. She noted that the project included in-kind repairs.
9. The Historic Preservation Specialist testified that a Stop Work Order was issued in August when she discovered Mr. Wanner completing a new round of improvements without the required COA (Certificate of Appropriateness). She stated that HARB considered Mr. Wanner's application at the August 19<sup>th</sup> meeting and the HARB denied the application under Guideline numbers 2 and 6, which requires the restoration and replacement of materials.

10. The Historic Preservation Specialist testified that the HARB found the leaf and scroll keystones to be defining and contributing historic features of the property and due to their prominence on the building and Mr. Wanner's application to replace them was denied. She stated that the design of the keystones was prominently used on Victorian properties.

11. The Historic Preservation Specialist testified that the keystones were damaged when Mr. Wanner completed the 2006 project and he made no effort to correct the damage until recently.

12. The Historic Preservation Specialist testified that Mr. Wanner was advised about how to replicate the keystones.

### **Conclusions of Law**

City Council, after considering all testimony and reviewing all Exhibits, denies the appeal of the Certificate of Appropriateness, as the Respondent knew of the need to obtain HARB approval prior to performing the work.

### **Order and Agreed Resolution**

The City of Reading City Council hereby denies the appeal of the COA the exterior property improvements at 306 South 5<sup>th</sup> Street and requires the following:

1. The replacement of the decorative wood keystones and window hoods (based on Secretary of Interior standards #2 and #6) because they are important character defining features of the building.

2. The property shall be repainted within 180 days using either the original paint color or the paint color approved by the Historic Preservation Specialist in 2006 or a new paint color appropriate for the age and style of this structure as approved by the Historic Preservation Specialist.

3. The restoration and reinstallation of the original keystones and window hoods to the façade shall be completed within 180 days. The existing remaining historic keystone at the third floor front façade must be retained on the building and it shall serve as a model for replicating the new keystones that will replace the damaged keystones and the keystones already replaced.

The Historic Preservation Specialist will inform Code Officials that the applicant may not finish the work he has started and that he must restore the façade within 180 days. The Respondent shall obtain the required Certificate of Appropriateness from the Historic Preservation Specialist and the Historic Architectural Review Board where applicable. At the end of the 180 day period,

the City shall conduct an inspection and enforcement shall begin if the correction process is incomplete.

**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.