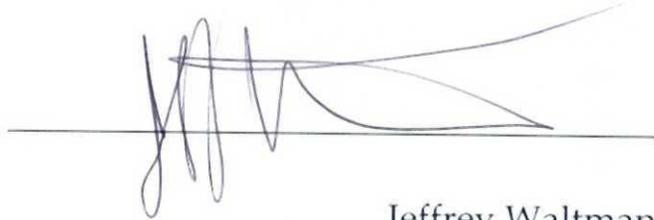


RESOLUTION NO. 93 2015

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

Approving the appeal of the Certificate of Appropriateness with conditions due to financial hardship of St. Margaret's Roman Catholic Church, as attached in the findings of fact, for the installation of 78 windows at 233 Spring Street, also known as the St. Margaret's Rectory building.

Adopted by Council Oct 26, 2015



Jeffrey Waltman
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 26 day of Oct A. D. 2015. Witness my hand and seal of the said City this 27 day of Oct A. D. 2015.



CITY CLERK

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

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
ST. MARGARET'S ROMAN CATHOLIC CHURCH	§	CITY COUNCIL
233 SPRING ST, READING	§	
	§	

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

On Thursday, October 8, 2015 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 78 windows at St. Margaret's Roman Catholic Church (Respondent), to the building known as the rectory located at 233 Spring Street, Reading (Subject Property).

At their August 2015 meeting, HARB unanimously approved:

RESOLUTION #59B-15 - The Historical Architectural Review Board upon motion by Mr. Sands and seconded by Mr. DeVine, adopted the proposal to DENY a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to replace 78 existing original wood windows (six over one in configuration), jalousie windows, and all basement level windows with vinyl replacement windows in an almond color, at the northern, southern, western and eastern building facades at 233 Spring St. was represented by Sister Michele Smith, Richard L. Orwig, Esq., Harry O'Neill, Julia Vasquez, and Jose Vasquez.
2. The proposed new almond color vinyl replacement windows to replace the existing six over one wood windows are six over one in configuration with the grills located between the glass panes. The proposed vinyl windows to be installed at the first floor level to replace existing jalousie windows are one over one in configuration with textured glass panes. The vinyl replacement windows proposed for the basement level are a single pane of glass and do not mimic the configuration of the existing wood windows.
3. The existing wood window frames on the building will remain in place and only the window sashes will be replaced.
4. The proposed 78 vinyl replacement windows have been manufactured and delivered to the site.

5. The proposed installation of 78 vinyl replacement windows on all facades of the building as presented is denied based on The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings #2, #5 and #6, and due to the fact that the proposed installation of the vinyl replacement windows does not comply with the HARB Window Policy Requirements as stated in Section 3.3 and Section 3.7.

The motion for the above work was unanimously approved.

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. At the August, 2015 meeting the applicant requested permission to install 78 vinyl windows at the Subject Property. After consideration, the HARB board denied the request based on the Secretary of the Interior Guidelines and the HARB Windows Policy.
3. At the October 2015 appeal hearing two (2) members of the church, Attorney Richard Orwig and Harry O'Neill (Witnesses), who are also the Chair and Vice Chair of the Finance Committee, respectively, appeared to provide testimony for the Respondent.
4. The Witnesses testified that the rectory building is an old and historic property that suffers from the lack of maintenance due to funding problems associated with the church and school. They stated that the weather during the past winter damaged approximately 20 windows in the building.
5. The Witnesses stated that a window company from the Allentown area designed the windows to blend with the building. They stated that the windows were ordered and framed out. They also stated that when the contractor applied for a building permit he assumed that the permit was immediately approved along with the COA (Certificate of Appropriateness). However, after the fact, when he applied for a COA the application was denied as the windows are made of vinyl.
6. The Witnesses explained that the original framework was retained and the interior of the windows were replaced. They stated that replacing the wood would be cost prohibitive for the church. They expressed the belief that due to the setback of the building the average observer would not be able to tell that the windows are vinyl.
7. The Witnesses stated that the church obtained a grant for the replacement of the windows and cannot afford to have the window order changed. They noted the financial difficulties the church has had, including the deferral of the maintenance of the rectory due to the financial burdens of the school. They asked Council to consider approving the appeal.
8. The Historic Preservation Specialist circulated photographs of the Subject Property and of the windows.

9. The Historic Preservation Specialist explained that the contractor applied for a building permit on a Friday and the application was forwarded to her attention that Friday afternoon. She stated that she immediately called the contractor as the application indicated that the project was to begin the following Monday. At that point she learned that some windows were installed prior to the application for a building permit.

10. The Historic Preservation Specialist stated that the windows purchased do not comply with the Secretary of the Interior Guidelines and the HARB Window Policy, thus HARB had no choice but to deny the COA. She agreed that modifications could be made to the existing windows that would improve the historical integrity of the windows. She disagreed that the setback of the building would blur the use of vinyl windows in the building. She also noted that three (3) sides of the building are on public thoroughfares.

11. In response to a question, the Historic Preservation Specialist stated that at the HARB hearing, the Witnesses for the church did note their financial hardship and their inability to have the windows recreated in a way that would fully comply with the Guidelines and the HARB Window Policy.

Conclusions of Law

City Council, after considering all testimony and reviewing all Exhibits, approves the appeal of the Certificate of Appropriateness, due to financial hardship with the conditions listed under Order and Agreed Resolution.

Order and Agreed Resolution

The City of Reading City Council, due to the financial hardship of the Respondent, hereby APPROVES the appeal of the COA to install the 78 windows purchased by the Respondent for 233 Spring Street, also known as St. Margaret's Rectory, under the following conditions that will require the input and approval of HARB:

- (1) That for all vinyl windows where mullions have been installed between the two pieces of sealed glass, that raised vinyl mullions replicating the original be installed on both the inside and outside surfaces of the sealed glass, and
- (2) That for all vinyl basement windows where no mullions have been installed, that raised vinyl mullions replicating the original be installed on both the inside and outside surfaces of the sealed glass, and
- (3) That all vinyl on the outside of all vinyl windows - including on the window frames and on the mullions - be painted a darker brown to match the original, and
- (4) That the existing storm windows be removed

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.

