

Drafted by City Clerk/City Solicitor
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Introduced on N/A
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RESOLUTION NO. 10 2016

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 a Mansard roof with asphalt shingles 1028 North 4th Street, Idalia Estrella, 362 Park Place, Floor #2, Woonsocket, RI 02895-4428, applicants/owners, and ordering the property owners to comply with the decision issued by HARB in the attached report.

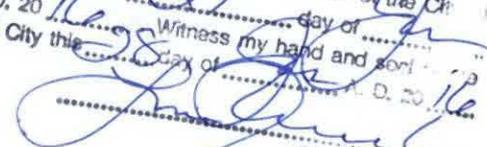
Adopted by Council Jan 27, 2016



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 Jan, A. D. 2016.
Witness my hand and seal of said City this 27 day of Jan, A. D. 2016.

CITY CLERK

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

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
IDALIA ESTRELLA	§	CITY COUNCIL
1028 NORTH 4 th STREET	§	

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

On Wednesday, January 6, 2016 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 a Mansard roof with asphalt shingles by Idalia Estrella (Respondent), at 1028 North 4th Street (Subject Property).

At their September 2015 meeting, HARB unanimously denied:



CERTIFICATE OF APPROPRIATENESS

Resolution No. 65-15

WHEREAS, the Reading Historical Architectural Review Board at its September 15, 2015 meeting reviewed the plans and specifications of Idalia Estrella, owner of 1028 N. 4th St., Reading, Pennsylvania for

**THE REPLACEMENT OF ORIGINAL SCALLOPED SLATE SHINGLES
WITH ASPHALT ARCHITECTURAL SHINGLES AT THE MANSARD AND
THIRD FLOOR FRONT BAY WINDOW ROOFS (VIOLATION)**

and DENIED the application for a Certificate of Appropriateness for said work as described in the attached report.

Now, therefore, on the 15th day of September, 2015, I, Amy Woldt Johnson, Historic Preservation Specialist, hereby DENY this Certificate of Appropriateness for aforesaid work in the name of the Reading Historical Architectural Review Board.

Amy Woldt Johnson
Historic Preservation Specialist

Findings of Fact

1. The Historic Architectural Review Board (HARB) is part of the City of Reading City Code Chapter 295 Part 1 – Historic and Conservation Districts. The HARB is a board of nine (9) duly qualified members.
2. At the HARB September 15, 2015 meeting the Applicant requested permission to retain the newly asphalt shingles that were installed without a building permit or a Certificate of Appropriateness (COA). After consideration, the request was denied and the applicant was afforded with 18 months replace the asphalt shingles with architectural slate shingles.
3. At the hearing the Respondent testified that she was unaware of the need to have a permit prior to completing the roof work or that the selected shingles would not meet HARB specifications. She explained that the roof work was completed to stop water from leaking into the house.
4. The Respondent testified that she was aware that the property was in a historic district and that the roofer stated that he would obtain the required permits. She stated that she believed that she only had to obtain a COA for painting projects.
5. The Respondent admitted that she was the property manager for 1028 North 4th Street which is owned by her sister who could not be present. The Solicitor opined that the hearing could continue because the representative of the property owner is present. The HARB minutes attached to the agenda show that Mr. Fabio Torres represented the property owner at the HARB meeting.
6. The Historic Preservation Specialist stated that prior to the replacement of the roofing, the Mansard roof had scalloped slate shingles. She stated that she observed the new shingles and sent the property owner a violation letter, which started the process.
7. The Historic Preservation Specialist stated that the new roofing violates the Secretary of the Interior's Guidelines as follows:
 - **SIS 2.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterized a property shall be avoided.
 - **SIS 5.** Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - **SIS 6.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new

feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.

8. The Historic Preservation Specialist explained that the HARB board before denying the Certificate of Appropriateness (COA) asked the property owner to provide proof of a financial hardship. In response, the property owner provided a quote to install slate shingles but the quote was found to be insufficient as it only included the cost of labor (materials were excluded from the quote). At the HARB meeting the roofer, Mr. Torres, stated that he is a friend of the property owner and he agreed to perform the project for labor only and that Ms. Estrella obtained the materials. The cost of the labor for both projects (slate and asphalt) that was completed was for approximately \$1,200.

9. The Respondent stated that a quote for slate roofing was obtained and submitted to the insurance company but the company denied the claim for slate roofing due to the cost. The amount paid to the property owner for the installation of the asphalt roofing was \$3,840.98 before the submission of the quote for slate.

Conclusions of Law

City Council, after considering all testimony and reviewing all Exhibits, denies the appeal of the Certificate of Appropriateness.

Order and Agreed Resolution

1. The City of Reading City Council hereby denies the appeal of the COA to retain the asphalt shingle roofing at 1028 North 4th Street and orders the Respondent to comply with the orders issued in HARB Resolution 65-15 and report (attached).
2. Council recommends that the property owner seek financial assistance for the installation of the slate roofing from either NHS (Neighborhood Housing Services) through the Community Home Repair Program (CHRP) 3% 7 year loan and/ or the Community Development Facade Improvement Program.

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.

**READING HISTORICAL ARCHITECTURAL REVIEW BOARD
CITY OF READING, PENNSYLVANIA
September 15, 2015**

CALL TO ORDER

The monthly meeting of the Reading Historical Architectural Review Board was held on Tuesday, September 15, 2015 in the Penn Room, first floor of City Hall, Reading, PA. At 6:30 PM, Mr. Booth called the meeting to order. Mr. Booth asked if there were any conflicts of interest. There were no conflicts of interest indicated.

A. Roll Call

Members present: Aaron Booth, Cynthia LaSota, Sean DeVine, Peter Hart, Bill Sands

Visitors present:

Fabio Torres, 1028 N. 4th St.

Dorothy Carlson, 1140 Perkiomen Ave.

George Sankari, 422 Penn St.

Kevin Martin, 835 Rose St.

Carole Duran, Reading Eagle

Staff present: Amy W. Johnson

B. Approval of Minutes: The minutes of the August 18, 2015, HARB meeting were not available for review.

II. HEARING OF APPLICATIONS:

ITEM #1 - RESOLUTION #65-15 - It is proposed to replace the original scalloped slate shingles at the front Mansard roof, from the chimney eastward at the southern Mansard roof, and at the third floor front bay window roof with gray asphalt architectural shingles (violation – work has been completed) at 1028 N. 4th St., Reading, PA.

Property Owner: Idalia Estrella

Owner Address: 362 Park Place, Floor #2, Woonsocket, RI 02895-4428

Applicant: Idalia Estrella

Applicant's Address: Same as above.

Building description, period, style, defining features: Located in the Centre Park Historic District this three story row home built in the Queen Anne style received a site quality rating of 76 and is a contributing site in the Centre Park Historic District. The structure features a coursed stone façade and the original tapered fluted porch columns. However, the structure has been compromised with the installation of capping at the first floor front porch fascia and pediment, the second floor front fascia, as well as the second and third floor bay windows, and the replacement of the original wood windows.

Composite Index Rating: 76

Proposed alterations: It is proposed to replace the original scalloped slate shingles at the front Mansard roof, from the chimney eastward at the southern Mansard roof, and at the third floor front bay window roof with gray asphalt architectural shingles (violation – work has been completed).

Guideline Citations: **SIS 2.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterized a property shall be avoided., **SIS 5.** Distinctive features , finishes, and

construction techniques or examples of craftsmanship that characterize a historic property shall be preserved., **SIS 6.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.

Discussion: Ms. Johnson provided background information regarding the project for the Board stating that she discovered that the original scalloped slate shingled roof was replaced with architectural asphalt shingles without HARB approval. Ms. Johnson stated that she sent a violation letter and in turn the owner submitted a COA application along with documentation, including information from their insurance company for the roof replacement due to the May 2014 hail storm. Ms. Johnson stated that the insurance claim covered only the cost of the replacement of a select number of slate shingles however the owner has replaced the scalloped slate roof on the front dormer and the front and side Mansard roofs from the chimney forward, with asphalt architectural shingles. Ms. Johnson explained that the contractor is a friend of the owner and only charged the owner for the labor of replacing the roofs as the owner paid for the materials.

Mr. Torres stated that he had determined that all of the slate shingles, and not a select few, on the Mansard and third floor dormer roofs were in deteriorated condition and offered to charge the owner \$1,200.00 for the labor of replacing the roof if the owner purchased the materials. Mr. Torres explained how the roof was replaced.

Mr. Hart reviewed the documentation from the owner's insurance company and noted that it states that the initial disbursement to the owner for just the roof was \$3,157.00 and when the roof is complete the owner will receive a payment of \$1,594.00 and the majority of the cost was for the replacement of the flat metal roof. Mr. Hart further stated that the insurance documentation allows for the replacement of six slate shingles. Mr. Hart inquired as to why the entire slate roof was replaced and not just six pieces of slate. Mr. Hart stated that if the contractor had determined that there was more damage to the roofs, he should have contacted the insurance company with a revised cost estimate for the replacement of the roofs. Mr. Booth stated that there are a couple of considerations, stating that when the contractor inspected the roof, he observed that there were more damaged slates than what the insurance company had originally estimated. Mr. Torres replied that this is correct. Mr. Booth inquired as to whether the insurance company had been contacted when the additional damage was determined. Mr. Torres stated that the insurance company was not contacted when the additional damage was determined. Mr. Booth stated that the owner or the contractor should have contacted their insurance company to indicate to them that there was more damage than they had originally allowed for and the damage needs to be reevaluated. Mr. Torres stated that the insurance company had only talked with the owner and not to him. Mr. Torres stated that he had told the owner that the entire slate roof was damaged.

Mr. Hart noted that the insurance claim states that the metal roof and flat roof are to be replaced for which \$3,000.00 was disbursed to the owner to do this work. Mr. Hart inquired as to whether they have been replaced. Mr. Torres stated that the metal and flat roofs have not been replaced.

Mr. Booth inquired of the Board as to whether there was a consensus as to whether the Secretary of the Interior's Guidelines would necessitate modifications to the installation of the roofs. Mr. Hart stated that he could consider modifications to the roof if an estimate to replace the roof in an appropriate manner was submitted. Mr. Booth inquired as to whether the contractor had submitted a quote for the replacement of the slate shingles in kind. Ms. Johnson replied that a quote for the replacement of the slate

shingles in kind has been provided by the contractor however, she does not feel the correct information has been provided regarding the cost of the slate shingle material. Ms. Johnson informed the Board that according to the estimate the contractor provided, the contractor would charge the owner \$1,200.00 to replace the roof in either slate or asphalt shingles. The Board reviewed the submitted quote for the replacement of the roof in slate or asphalt shingles as submitted by the contractor. Mr. Booth stated that insurance company has paid out \$3,800.00 with an additional payment still pending therefore the insurance company reimbursement is greater than the cost of replacing the slate as submitted by the contractor. However, the insurance reimbursement is also to be used for the replacement of the metal and flat roofs which has not been done yet. Mr. Booth stated that in order for the Board to determine financial hardship, the contractor must submit quotes for the replacement of the metal and flat roofs as well. The Board determined that the replacement of the roofs as undertaken is not historically appropriate and the information that has been submitted regarding financial hardship is not sufficient for the Board to make a determination of financial hardship.

Motion: The Historical Architectural Review Board upon motion by Mr. Devine and seconded by Ms. LaSota adopted the proposal to DENY a Certificate of Appropriateness for the proposed work described herein and specified the following:

1. The proposal to replace the original scalloped slate shingles at the front Mansard roof, from the chimney eastward at the southern Mansard roof, and at the third floor front bay window roof with gray asphalt architectural shingles (violation – work has been completed) at 1028 N. 4th St. was represented by Fabio Torres, roofing contractor for the property.
2. The replacement of the original scalloped slate shingle roof as installed was DENIED based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, Standard #2 ("The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."), #5 ("Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.") and #6 ("Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.").
3. The replacement of the roof was necessary because of hail damage. A request for financial hardship was made. The contractor presented the Board with estimates for the roof replacement in both slate and asphalt shingles along with documentation from the owner's insurance company showing that the company will cover only the cost for the replacement of 6 scalloped slate shingles at the third floor front bay window roof.
4. The contractor had determined that the roof area in question required full replacement as opposed to partial replacement as indicated by the owner's insurance company, and proceeded to do the work without HARB approval.
5. The Board determined that the estimates for roof replacement as provided by the contractor do not provide correct and thorough information as required by the HARB Roof Replacement Guidelines. Therefore the condition of financial hardship has not been met.
6. The Board approves the replacement of the installed asphalt architectural shingles with scalloped slate shingles to match the original scalloped slate shingles.

7. Because the installed asphalt architectural shingles are in violation (they were installed without HARB approval), the work must be completed within 180 days.

The motion to DENY the above work was unanimously approved.