

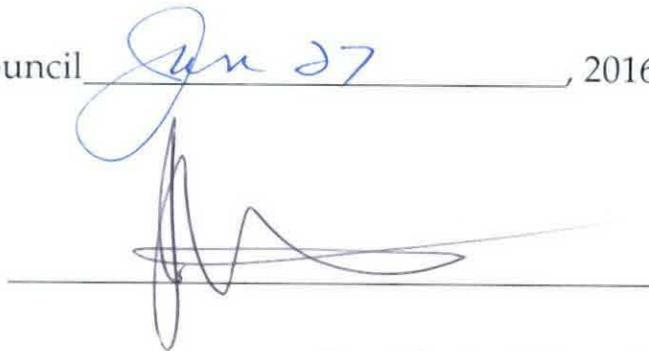
Drafted by City Clerk/City Solicitor
Sponsored by/Referred by City Clerk/City Solicitor
Introduced on N/A
Advertised on N/A

RESOLUTION NO. 11 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 replacement of the two original wood windows with two white vinyl replacement windows, 6 over 1 in configuration, at the first floor front façade at 835 Rose Street, Kevin Martin, at the same address, applicant/owner, and ordering the property owner to comply with the decision issued by HARB in the attached report.

Adopted by Council Jun 27, 2016



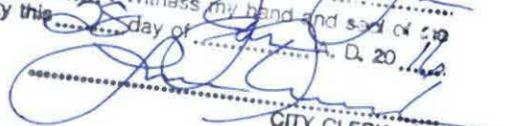
President of Council

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 June A. D. 2016. Witness my hand and seal of said City this 27 day of June, 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
	§	
KEVIN MARTIN	§	CITY COUNCIL
835 ROSE 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 replacement of the two original wood windows with two white vinyl replacement windows, 6 over 1 in configuration, at the first floor front façade by Kevin Martin (Respondent), at 835 Rose Street (Subject Property).

At their September 2015 meeting, HARB unanimously denied:



CERTIFICATE OF APPROPRIATENESS

Resolution No. 68-15

WHEREAS, the Reading Historical Architectural Review Board at its September 15, 2015 meeting reviewed the plans and specifications of Kevin Martin, owner of 835 Rose St., Reading, Pennsylvania for

THE REPLACEMENT OF TWO EXISTING WOOD WINDOWS WITH TWO
WHITE VINYL REPLACEMENT WINDOWS AT THE FIRST FLOOR FRONT
FAÇADE

(VIOLATION)

and DENIED 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 a 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 two (2) newly installed vinyl 6 over 1 replacement windows that were installed at the first floor façade without a building permit or a Certificate of Appropriateness (COA). After consideration, the request was denied and the applicants were afforded with 180 days to replace the two (2) vinyl windows with wooden windows that will match the original windows.
3. At the hearing the Respondent testified that he was unaware of the need to have a permit prior to installing the windows.
4. The Respondent testified that he was aware that the property was in a historic district; however, he stated that his realtor told him that only painting projects needed to be approved by HARB.
5. The Respondent stated that when he purchased the home the upstairs windows had already been replaced with vinyl windows. He stated that upon moving in he noticed the first floor front window was cracked and drafty.
6. The Respondent stated that the cost to replace the vinyl windows is not prohibitive but he asked Council to consider his appeal.
7. The Historic Preservation Specialist stated that the new vinyl windows violate 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.
8. The Historic Preservation Specialist agreed that the windows on the 2nd floor were replaced some time prior to the time Mr. Martin purchased the property. However, the original windows on the original 1st floor should not have been replaced without HARB approval. She stated that the Guidelines do not allow vinyl windows.

Ms. Johnson noted that the HARB Board changed their window policy in 2010. Prior to 2010 new windows could be approved at the staff level and that vinyl was permitted as long as the window appeared the same, such as 1 pane over 1, 6 panes over 1, etc. She stated that she does not know if the vinyl windows installed prior to Mr. Martin's ownership were approved by HARB staff.

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 two 6 over 1 vinyl windows at 835 Rose Street and orders the Respondent to comply with the orders issued in HARB Resolution 65-15 and report (attached).

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 #5 - RESOLUTION #68-15 - It is proposed to replace two original wood windows with two white vinyl replacement windows, 6 over 1 in configuration, at the first floor front façade (violation – work has been completed) at 835 Rose St., Reading, PA.

Property Owner: Kevin Martin

Address: 835 Rose St., Reading, PA 19601

Applicant: Kevin Martin

Applicant's Address: Same as above.

Building description, period, style, defining features: This structure located in the Centre Park Historic District is a 2 ½ story attached brick dwelling with a front wall dormer with a dentiled cornice, a brick corbelled cornice at the second floor roofline, segmentally arched windows, and the original first floor front porch structure including a turned wood balustrade, turned fluted wood columns and decorative spindlework and brackets. The structure received a site quality rating of 78 deeming it a significant contributing building.

Composite Index Rating: 78

Proposed alterations: It is proposed to replace two original wood windows with two white vinyl replacement windows, 6 over 1 in configuration, at the first floor front façade (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.

Discussion: Ms. Johnson informed the Board that this property is in violation as the two first floor windows have been replaced without HARB approval and not according to the HARB Window Policy. Ms. Johnson stated that the original first floor front window consisted of two wood double hung, one over one windows with a wood stile between them. It is evident in the photo provided to the Board that the wood stile between the two windows had been cut to accommodate the new vinyl windows. Ms. Johnson stated that the windows on the upper floors had already been replaced with white vinyl windows. Mr. Martin explained that he purchased the property in December 2014 and new that the property was in a historic district but didn't realize that every house in a historic district was considered historic. Mr. Martin explained that the front window was cracked and in need of replacement. Mr. Martin stated that he didn't realize that he couldn't install vinyl windows until his neighbor told him that he needed permission to make changes to the home. Mr. Martin stated that the new windows have mullions in the top and bottom sashes where the original windows did not.

Mr. Hart inquired as to when the vinyl windows on the second and third floors were installed. Mr. Martin stated that the second and third floor windows had been installed before he purchased the house. Ms. Johnson stated that a picture from 2008 in the file shows that the vinyl windows had been installed at that time. Mr. Booth inquired as to whether Ms. Johnson had photos that predate December, 2014. Ms. Johnson replied that she has not been able to find an earlier photo of the front façade of the building. Mr.

Booth inquired of Mr. Martin as to what the original configuration of the windows were. Mr. Martin stated that the wood windows had an approximately 3" stile, or mullion between the two wood windows and they were one over one in configuration. Mr. Booth noted that the HARB Window Policy does not allow for installation of vinyl windows on the front façade. Mr. Booth stated that typically the Board's recommendation is to restore the original windows or replace them in kind. Mr. Martin asked if an exception could be made since the other windows on the front façade are vinyl. Mr. Booth inquired as to whether the owner still had the original windows. Mr. Martin stated that he does not have the original windows.

Mr. Booth reviewed the Secretary of the Interior's Standards that apply to this case. The Board determined that the work that was undertaken did not meet the Standards or the HARB Window Policy and denied a COA for the work undertaken.

Motion: The Historical Architectural Review Board upon motion by Ms. LaSota 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 two original wood windows with two white vinyl replacement windows, 6 over 1 in configuration, at the first floor front façade (violation – work has been completed) at 835 Rose St. was represented by Kevin Martin.
2. The proposal to retain the installed white vinyl replacement windows 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."), and #5 ("Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved."). The installed vinyl replacement windows are not historically appropriate and do not meet the guidelines of the HARB Window Policy.
3. The owner has not made a request for financial hardship.
4. The original wood windows were one over one in configuration as stated by the owner.
5. The two white vinyl windows installed at the first floor front façade are to be replaced with two wood windows to match the original wood windows in material, dimensions and configuration.
6. Because the replacement windows 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 approved with three votes for and one vote against by Mr. Hart.