

PLANNING DIVISION STAFF REPORT

September 16, 2019

PREPARED FOR THE LANDMARKS COMMISSION



Project Name & Address: 2122 Regent Street

Application Type(s): Certificate of Appropriateness for exterior alterations in the University Heights historic district

Legistar File ID # [57312](#)

Prepared By: Heather Bailey, Preservation Planner, Planning Division

Date Prepared: September 12, 2019

Summary

Project Applicant/Contact: Genesis Exteriors

Requested Action: The Applicant is requesting that the Landmarks Commission approve a Certificate of Appropriateness for the replacement of windows.

Background Information

Parcel Location/Information: The subject site is located in the University Heights Historic District.

Relevant State Statute Section:

Wisc SS 62.23(7)(em)2m. In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

Relevant Ordinance Sections:

41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROPRIATENESS. A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.

- (1) New construction or exterior alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:
 - (a) In the case of exterior alteration to a designated landmark, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.
 - (b) In the case of exterior alteration or construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.
 - (c) In the case of exterior alteration or construction on any property located in a historic district, the proposed exterior alteration or construction meets the adopted standards and guidelines for that district.
 - (d) In the case of any exterior alteration or construction for which a certificate of appropriateness is required, the proposed work will not frustrate the public interest expressed in this ordinance for protecting, promoting, conserving, and using the City's historic resources.

41.24 UNIVERSITY HEIGHTS HISTORIC DISTRICT.

- (5) Standards for the Review of Exterior Alterations and Repairs in TR-C2, TR-C3, and TR-C4, Zoning Districts.
- (a) Height. No alterations shall be higher than the existing structure; however, if the existing structure is already a nonconforming one, alteration shall be made thereto except in accordance with Section 28.192. Roof alterations resulting in an increased structure volume are prohibited unless they meet the requirements in Sec. 41.24(4)(a)5. and are permitted under Chapter 28, or approved as a variance pursuant to Sec. 28.184 or approved as a conditional use or as part of a planned residential development.
 - (b) Second Exit Platforms and Fire Escapes. Second exit platforms and fire escapes shall be invisible from the street, wherever possible, and shall be of a plain and unobtrusive design in all cases. In instances where an automatic combustion products detection and alarm system is permitted as an alternative to second exits, use of such a system shall be mandatory.
 - (c) Repairs. Materials used in exterior repairs shall duplicate the original building materials in texture and appearance, unless the Landmarks Commission approves duplication of the existing building materials where the existing building materials differ from the original. Repairs using materials that exactly duplicate the original in composition are encouraged.
 - (d) Restoration. Projects that will restore the appearance of a structure to its original appearance are encouraged and will be approved by the Landmarks Commission if such projects are documented by photographs, architectural or archeological research or other suitable evidence.
 - (e) Re-Siding. Re-siding with aluminum or vinyl that replaces or covers clapboards or nonoriginal siding on structures originally sided with clapboards will be approved by the Landmarks Commission provided that the new siding imitates the width of the original clapboard siding to within one (1) inch and provided further that all architectural details including, but not limited to, window trim, wood cornices and ornament either remain uncovered or are duplicated exactly in appearance. Where more than one layer of siding exists on the structure, all layers except the first must be removed before new siding is applied. If insulation is applied under the new siding, all trim must be built up so that it projects from the new siding to the same extent it did with the original siding.
 - (f) Alterations Visible from the Street and Alterations to Street Facades. Alterations visible from the street, including alterations to the top of structures, and alterations to street facades shall be compatible with the existing structure in architectural design, scale, color, texture, proportion and rhythm of solids to voids and proportion of widths to heights of doors and windows. Materials used in such alterations shall duplicate in texture and appearance, and architectural details used therein shall duplicate in design, the materials and details used in the original construction of the existing structure or of other structures in University Heights of similar materials, age and architectural style, unless the Landmarks Commission approves duplication of the texture and appearance of materials and the design of architectural details used in the existing structure where the existing building materials and architectural details differ from the original. Alterations that exactly duplicate the original materials in composition are encouraged. Alterations that destroy significant architectural features are prohibited. Side alterations shall not detract from the design composition of the original facade.

- (g) Additions and Exterior Alterations Not Visible from the Street. Additions and exterior alterations that are not visible from any streets contiguous to the lot lines upon which the structure is located will be approved by the Landmarks Commission if their design is compatible with the scale of the existing structure and, further, if the materials used are compatible with the existing materials in texture, color and architectural details. Additions and alterations shall harmonize with the architectural design of the structure rather than contrast with it.
- (h) Roof Shape. The roof shape of the front of a structure shall not be altered except to restore it to the original documentable appearance or to add a dormer or dormers in a location and shape compatible with the architectural design of the structure and similar in location and shape to original dormers on structures of the same vintage and style within the district. Alterations of the roof shape of the sides or back of a structure shall be visually compatible with the architectural design of the existing structure.
- (i) Roof Material.
 - 1. If the existing roof is tile, slate or other material that is original to the structure and/or contributes to its historic character, all repairs thereto shall be made using the same materials. In addition, in all cases any such roof must be repaired rather than replaced, unless the documented cost of repair exceeds the documented cost of re-roofing with a substitute material that approximates the appearance of the original roofing material as closely as possible, in which case re-roofing with a material that approximates the appearance of the original roofing material as closely as possible will be approved by the Landmarks Commission.
 - 2. If the existing roofing material is asphalt shingles, sawn wood shingles or a nonhistoric material such as fiberglass, all repairs shall match in appearance the existing roof material; however, if any such roof is covered or replaced, re-roofing must be done using rectangular sawn wood shingles or rectangular shingles that are similar in width, thickness and apparent length to sawn wood shingles, for example, 3-in-1 tab asphalt shingles. Modern style shingles, such as thick wood shakes, Dutch lap, French method and interlock shingles that are incompatible with the historic character of the district are prohibited.
 - 3. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.

Analysis and Conclusion

The applicant is requesting a Certificate of Appropriateness to replace 12 original windows. The application cites that some of the windows do not close properly due to caulk and glue, and that the storm windows are in poor repair. Their other reasons for removing the windows are for energy efficiency and to remove lead paint. Staff has provided the applicants with information on the requirements for a windows submission and recommended they explore lead paint abatement.

Of the photos provided, there does not seem to be evidence that the windows are deteriorated beyond repair. With the body of evidence about how to make existing windows as energy efficient as replacements and how to safely remove lead paint from friction surfaces, these windows do not appear to warrant replacement. As this

property is located within a National Register Historic District, that work would be eligible for preservation tax credits (25% of the cost of the work), whereas these replacements would not.

While staff has repeatedly asked for dimensions of the window components, the contractor will not provide those details, but assures that all of the dimensions are the same between the historic and the replacement windows. Without the measurements as evidence, staff is unable to verify. The narrative says that the materials of the replacement windows are the same, so the assumption is that these are wood replacement windows. The commission should also consider the proposal for the replacement windows to be Low-E2. This method utilizes silver flakes and requires the argon gas in order to keep the silver from oxidizing. As long as the seals hold, this is not a problem, but seals fail over time.

A discussion of the relevant ordinance of Chapter 41.18 and 41.24 follows:

41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROPRIATENESS. A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.

- (1) New construction or exterior alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:
 - (a) N/A
 - (b) N/A
 - (c) See discussion of University Heights Historic District below.
 - (d) Removing character-defining windows which are repairable will frustrate the public interest expressed in this ordinance for protecting, promoting, conserving, and using the City's historic resources. Please see the attached memo from the City Attorney's office.

41.24 UNIVERSITY HEIGHTS HISTORIC DISTRICT.

- (5) Standards for the Review of Exterior Alterations and Repairs in TR-C2, TR-C3, and TR-C4, Zoning Districts.
 - (a) Height. N/A
 - (b) Second Exit Platforms and Fire Escapes. N/A
 - (c) Repairs. N/A
 - (d) Restoration. N/A
 - (e) Re-Siding. N/A
 - (f) Alterations Visible from the Street and Alterations to Street Facades. Many of these windows will be visible from the street, and two of them are on the street façade. If these are wood replacements and the dimensions of the window components are comparable, then it seems likely that the replacements would meet the requirements of this standard to duplicate the original materials. The one exception is if the seal on the replacements fail and the silver of the low-e coating oxidizes, would make for permanently tinted dark windows.
 - (g) Additions and Exterior Alterations Not Visible from the Street. As the proposal includes windows found on all sides of the building, some of the windows would not be visible from the street. If the replacements are wood and the dimensions of the window components are comparable, then the replacements should harmonize with the architectural design of the structure while also being of compatible architectural details.
 - (h) Roof Shape. N/A
 - (i) Roof Material. N/A

Recommendation

Staff believes that the standards for granting a Certificate of Appropriateness cannot be met at this time and recommends the Landmarks Commission refer the item to a future meeting for the following pieces of information:

1. A quote on lead paint removal and repair of the windows by a contractor that is not employed by a window sales company
2. Information on the dimensions of the window components (width of rails, stiles, muntins), any decorative components of the window frames.