



Legislation Text

File #: AR R 20-00354-HPB, **Version:** 2

An appeal of the Historic Preservation Board's action of denial for a Report of Acceptability for the removal of eight (8) windows and installation of four (4) windows in the existing sunroom on the southern elevation of the residence located at 1611 Wood Avenue.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Summary:

Owner: Mario Soto
Representative: PJ Snow
Location: 1611 Wood Avenue

This is a continued Quasi-Judicial item from the Regular City Council Meeting held on July 14, 2020.

The application is an appeal of the Historic Preservation Board decision to deny the Report of Acceptability for removal of eight (8) windows and installation of four new (4) windows in the existing sunroom on the southern façade of the residence. (See "Appeal Statement")

Previous Council Action:

On July 14, 2020 City Council requested that the Applicant provide staff with additional information regarding the dimensions and locations of the windows. Council directed staff to review this provided information and to make a determination if the proposed replacement meets the criteria in City Code Section 7.5.1605 (C). Council further directed staff to bring this information back for further consideration by City Council with staff input on the provided documentation on the replacement of windows.

The Appellant has provided the requested elevations for staff to provide input. The windows are the same dimension and style as the existing windows. The proposed work is not changing the architectural character of the residential building or historic preservation overlay zone. The Applicant has provided sufficient information for staff to recommend approval on the appeal and overturn the City's Historic Preservation Board's decision.

Background:

The Appellant is appealing the removal of eight (8) windows and the installation of four (4) windows in the existing sunroom on the southern elevation of the residence.

The Appellant's property is addressed as 1611 Wood Avenue, which is located within a Historic

Preservation Overlay zone. In accordance with City Code Section 7.5.1605(A) *Work Requiring Building, Demolition, Moving or Sign Permit*, any proposed work within a Historic Preservation Overlay zone that is visible from the public right-of-way and requires a building permit must be reviewed by the City's Historic Preservation Board (herein referred to as "Board") and shall receive a Report of Acceptability prior to construction of any approved work.

The Board's responsibilities are to advocate, educate, survey, and review and take action or make recommendations regarding applications affecting historically and architecturally significant areas, buildings/structures, and resources within the City, per City Code Section 7.5.1601(B). In terms of the Board's responsibilities as it relates to the two applications being appealed, the Board is tasked to review and take action on applications for alteration or construction of new buildings in the Historic Preservation Overlay. The Board ensures, through a design review process, that the proposed work is not creating, changing or destroying the architectural character of the building's exterior. The Board's review of permits is also intended to help the homeowner ensure changes are compatible with the historic significance of the property and have no adverse effects on other resources in the area. Through their deliberations, the Board has the right to postpone action until further information is provided or approve or deny the issuance of a Report of Acceptability. In making findings for a decision, the Board must determine whether the application, and proposed scope of work, meet the review criteria in City Code Section 7.5.1605.C. *Board Approval of Proposed Work* (See "Section 7.5.1605.C".) More detail will be provided in the following memo sections related to the sections of Code found to not be met through the request.

The application before City Council is an appeal of the Historic Preservation Board's denial decision. Pursuant to City Code Section 7.5.1605(K), *Appeals of Decisions*, appeals of the Historic Preservation Board are heard by the City Council. The procedures for City Council's hearing of the appeal is set forth in City Code Section 7.5.906 *Appeals*.

Below is a brief history of the Old North End Neighborhood, Adoption of the Historic Preservation overlay, and construction and permitting approvals for 1611 Wood Avenue:

- The home at 1611 Wood Avenue was built in 1902.
- On December 17, 1982, the home was listed on the National Register of Historic Places. The residence at 1611 Wood Avenue is listed as a contributing structure in the North End Historic District and was nominated based on its "Vernacular" architecture. More specifically the historical significance character elements of the home are it's "gable-end square". From an architectural character and styles perspective, "Vernacular" architecture is recognized by structures that are covered with lap siding or stucco, a large porch and a roof with a gable end pointing toward the street.
- In November of 1988, City Council adopted the first Historic Preservation Ordinance establishing the Historic Preservation Board, a Historic Preservation Overlay zone district, and permitting the review of changes and modifications to properties that are covered by the Historic Preservation Overlay zone district. The ordinance was adopted to formalize the commitment of preserving the distinctive historic character of Colorado Springs by supporting historic preservation.
- In 1999, a building permit was issued for renovations to the home at 1611 Wood Avenue. The proposed work included interior and exterior renovations, most notably, enclosing of the second-story porch to create a sunroom. (See "1999 Building Permit Plans")

- On September 26, 2000, City Council passed Ordinance 00-147, which created a Historic Preservation (HP) overlay zone encompassing the Old North End Historic District. The purpose of the overlay was to preserve and protect the historically significant portions of the Old North End Neighborhood.
- On April 4, 2002, a building permit was issued for a residential addition to the 1611 Wood Avenue residence. City Planning staff was unable to obtain copies or information for this addition from Pikes Peak Building Regional Department's archives.
- On May 12, 2020, the Appellant's contractor filed a building permit for an interior remodel. City Planning staff reviewed the permit and determined that a window on the eastern elevation was being changed and also eight (8) windows on the southern elevation were being removed and replaced with four (4) windows. Staff approved the building permit for the interior work only. The property owner filed the applications for Reports of Acceptability from the Board.
- On June 1, 2020, the Board heard the applications for Reports of Acceptability for the following scope of work:
 - Change the window on the eastern elevation from a vertical to a horizontal window.
 - Remove and replace eight (8) windows on the southern elevation of the residence with updated "like-to-like" windows.
 - However, at the hearing, the Appellant presented a modified proposal from what was described in the original project statement for the Report of Acceptability. The project statement for the Report of Acceptability states that the existing eight (8) windows would be replaced with a like-to-like style and number of windows. (See Project Statement for the Report of Acceptability). At the hearing, the proposal presented to the Board was to remove the eight (8) windows and replace those with four (4) windows. City Planning staff notes that the Appellant did not provide information (i.e. plans or elevation exhibits) regarding this change to staff prior to the hearing or at the hearing for the Board to consider. The appeal applications also did not include supplemental materials outlining the changed scope of work on the southern elevation of the residence.

According to City Code Section 7.5.1605(K) *Appeals of Decisions*, appeals of Historic Preservation Board decisions heard by City Council must indicate what code sections are not being met which can include the review criteria for the subject applications. The appeal states that the Historic Preservation Board failed to consider the facts presented and misapplied the City Code in their final determination, (See "Appeal Statement") The Appellant requests City Council reconsider the Historic Preservation Boards decision because:

-The sunroom is not a historical feature of the home.

Additional reasons for appealing the Historic Preservation Board's decision can be found in the appeal statement which is attached.

Removal and Replacement of 8 Windows with 4 Windows on Southern Elevation

The Board concluded that the scope of work did not meet review criteria for granting a Report of Acceptability. Specifically, the Board found that the proposal did not meet City Code Sections 7.5.1065 (C)(2) and (C)(4) for the following reasons:

City Code Section 7.5.1605(C)(2) - The architectural style, arrangement, texture and materials of existing and proposed structures, and their relation to the structures in the historic preservation overlay zone.

The project fails to preserve the significant historic and architectural features of the National Register Home. This project is not maintaining the visual integrity of the Old North End neighborhood.

City Code Section 7.5.1605(C)(4) - The effect of the proposed work upon the protection, enhancement, perpetuation and use of the historic preservation overlay zone.

In addition, this part of the project changes the architectural and historic character of the neighborhood.

Overall, the Board found that the scope of work failed to protect and preserve of the physical character of a historic resource and negatively impact the homes relationship with other historical buildings in in the immediate area. Furthermore, the Board found that the projects were not consistent with the purpose for the Historic Preservation Overlay zone, outlined in City Code Section 7.3.505 Purpose and Declaration of Policy, which states:

“It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of structures and areas of a historical or architectural significance located within the City is a public necessity and is required in the interest of the prosperity, civic pride, and general welfare of the people.”

Prior to the hearing, City Planning staff determined that the projects met all other applicable development standards of the R1-9000 zone district, as stated in City Code Section 7.3.104 Agricultural, Residential, Special Use and Tradition Neighborhood Development Zone District Development Standards; thus, no additional land use applications were needed.

Previous Council Action:

N/A

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

At the City Historic Preservation Board meeting held on June 1, 2020, the appellant’s application for Reports of Acceptability were discussed extensively. During the Historic Preservation Board’s deliberation, the follow concerns were expressed about the application.

Removal of eight (8) windows and install four (4) windows in the southern elevation:

- The Board was concerned that replacing the eight (8) windows and installing four (4) windows will change the character of the home as it is historically accurate for the neighborhood.
- The new feature does not maintain the original character of the structure.
- The Board is protecting the structure, so that the structure does not loses the historic significance.
- The Board was apprehensive about replacing the windows and changing the character of the

sleeping porch as it is historically significance of this neighborhood.

The Board's vote for the request was as follow:

- The application for the removal of eight (8) windows and install four (4) windows in the southern elevation was denied with a vote of 3-2-2 (the Board currently has two vacancies).

During the hearing, no other members of the public spoke in favor or against the applications. Please reference the June 1, 2020 Historic Preservation Board minutes from the hearing for a detailed record. (See "June 1, 2020 Historic Preservation Board Minutes")

Stakeholder Process:

N/A

Alternatives:

1. Uphold the action of the City Historic Preservation Board
2. Modify the decision of the City Historic Preservation Board;
3. Reverse the action of the City Historic Preservation Board; or
4. Refer the matter back to the City Historic Preservation Board for further consideration

Proposed Motion:

Approve the appeal and overturn the action of the Historic Preservation Board to deny the Report of Acceptability for removal of 8 windows and replacement of those windows with the installation of 4 windows on the southern elevation of 1611 Wood Avenue, based on the finding that the request does meet the review criteria in City Code Section 7.5.1605 (C), as the applicant has provided the additional information regarding the dimensions and locations of the windows as requested by City Council.

Summary of Ordinance Language

N/A