

68

CITY OF DES MOINES  
HISTORIC PRESERVATION COMMISSION  
MEETING SUMMARY

DATE: July 20, 2012  
TIME: 5:30 P.M.  
PLACE: City Council Chambers  
City Hall, 400 Robert D. Ray Drive

COMMISSIONERS PRESENT: York Taenzer (Chair), Scotney Fenton (Vice Chair), Patricia "Pat" Barry, Breann Bye, Maratha Green, Elaine Estes, Denny Marchand, Craig McCoy and Aaron Todd

COMMISSIONERS ABSENT: Robert Griffin and Susan Holderness

STAFF PRESENT: Jason Van Essen, Senior City Planner  
Thomas Fisher, Assistant City Attorney

### DISCUSSION SUMMARY OF AGENDA ITEM #3

Request from James Conlin (owner) represented by Rebecca Brommel (attorney) to allow the replacement of four windows on the south façade of the building at 826 18th Street in the Sherman Hill Local Historic District. (20-2017-5.01)

Chair York Taenzer: Read the agenda description for item #3.

Jason Van Essen: Showed an aerial map of the property and surrounding area, and a photograph of the building. Noted that a lot of information was submitted with the application, that he has a lot of photographs of the subject windows to show the Commission and that there is a lot of information in the staff report. But, the matter before the Commission is actually simple. The requested work is straightforward. The application was submitted and brought before the Commission for review. You review applications against the City's local historic district design guidelines, the Secretary of Interior Standards, other relevant information and then make a decision. Keeping that in mind, when we have an application that is a window replacement project the first thing we usually ask is, are the windows repairable, can they be retained. That is a question we ask for all materials when they are proposed to be replaced, such as siding, trim, windows, and doors. So the first question for the Commission to think about is, are these windows in a state that we can support their replacement. If we get past that question, then the next question we ask is, what is the replacement material. We look at our design guidelines and the other information that is available for us to take into account. This is the framework of our process.

Showed and described a series of photographs of the subject windows. Noted the pictures were taken during his tour of the site. Mentioned a memo prepared by Koester Construction discussing the windows that was provided to him at the tour. Stated their findings were similar to his and noted the difference was pertaining to the first floor

window sashes that did not appear to be in as bad of condition as implied in the memo. Clarified that he agreed that the framing for these windows was deteriorated as noted.

Showed the exhibits submitted with the application including: Sanborn Fire Insurance Maps and noted changes to the footprint of the building, a manufacture's product flyer for the proposed vinyl windows, and a picture of the building that shows the proposed window product already installed in the building from a previous case.

Stated staff is supportive of replacing the subject windows. They are in poor condition. They are historic in their own right, but are not located in an original portion of the building. Noted that the City Council adopted Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts state that "any replacement windows should duplicate the original window in type, size, and material." The proposed vinyl window does not comply with the City's design guidelines. Stated we also use the Secretary of Interior Standards and technical information provided by the National Park Service for additional support when we consider proposals, particularly for new materials. The staff report includes a chart based on information from Preservation Brief #16 (The Use of Substitute Materials on Historic Building Exteriors) from the National Park Service, which states substitute materials should be comparable in composition, design, dimensions, durability, color, texture and visual properties as the historic material. Noted the Commission and staff have been using this chart and language to review similar requests for several years. Stated the proposed vinyl windows do not meet this criteria and that an analysis is available in the written staff report.

Noted the application references Preservation Brief #8, which is titled "Aluminum and Vinyl Siding on Historic Buildings: The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings." Stated that you have to read the entire brief and think about everything that it is presenting to you to understand its context. But, it is telling that at the beginning of the brief it states that "the Secretary's Standards and their accompanying Guidelines never recommend resurfacing frame buildings with any new material that does not duplicate the historic material." This brief is specific to siding. This case is not a siding application. The Commission can look at it and think about how the information does or does not apply in this case. But, it does include information that indicates that matching the historic material is always what is recommended. Read the recommendation from the staff report and asked if the Commission had any questions.

Chair York Taenzer: Asked if there were any questions for staff. No questions were asked. Asked the applicant to please come forward.

Rebecca Brommel (*BrownWinick P.L.C., 666 Grand Avenue, Suite 2000, Des Moines*): Indicated she is representing Mr. Conlin. Confirmed address of the subject property and intent of the application. Noted the building is a multi-family residence and has been substantially altered as discussed by Mr. Van Essen. Stated the building was used for multi-family and was covered with steel siding when Mr. Conlin purchased the property. Noted there seems to be agreement that the four windows are beyond repair. Reference the report prepared by Koester Construction and Mr. Van Essen's comments. Stated the second part that needs to be assessed is whether or not the windows proposed for replacement are historic. The information from Preservation Brief

#16 as well as the guidelines all talk about preserving historic materials or replacing historic materials. Stated here we are not starting with a historic material. So in this case, we are not removing historic material because there is nothing historic there now. There is no evidence that these are historic or character defining windows. The staff report indicates that they may have been relocated from the original exterior walls, but there is no evidence of that. We know this addition was built sometime between 1920 and 1957. This is not a historic part of the house. This is an addition that was built sometime after 1920. Stated the windows that have springs as shown in a photograph are indicative of World War II era windows, which is consistent with what is believed to be the timing of the addition. This is important because the Commission is to look at retaining or duplicating historic material. If there is no historic material to retain or duplicate then many of the factors Mr. Van Essen has given you do not apply. Furthermore, there is not historic material being destroyed by replacing these windows with vinyl windows. We do not believe that the chart that Mr. Van Essen provided you in the staff report is relevant because it talks about replacing historic windows. I believe that Mr. Van Essen agrees that there is not a prohibition of vinyl in any of the local historic districts. This is why we brought forth Preservation Brief #8 because it recognizes that steel or vinyl products may be appropriate in certain circumstances. We believe that these are the type of circumstances where we are not getting rid of a historic material or impacting a historic part of the property, that is the kind of circumstance that would allow for vinyl to be used.

Referenced Exhibits W, X, Y and Z submitted with the application. Stated there has been four times that the Commission has allowed vinyl windows to be installed in Sherman Hill and at least a couple of the Commissioners are the same. Showed a picture and stated this is one of the properties that was at issue in 2003. The Commission in 2003 found that those vinyl windows did comply with the historic guidelines and the guidelines have not changed since then. The same guidelines, preservation briefs and information applies today that did in 2003. The Commission allowed vinyl windows to be installed in three buildings owned by Mr. Mangan. In addition, City staff also allowed a property to install vinyl windows without coming before the Commission. In that case, City staff made the determination that vinyl windows in that property was consistent with the guidelines and the Secretary of Interior Standards. So the Commission has a precedent to follow and that precedent is that vinyl can be appropriately installed in a historic property. This is more true in a case like this where we have a property that does not have historic items we are trying to preserve. You can look at the building and tell that it is not in its historic state. It has steel siding. The windows are located in an addition. If someone ever wanted to return this building to its historic state, this addition would be removed.

Referenced additional exhibits, which note properties in Sherman Hill that have vinyl windows that have been allowed to exist. We ask that you approve the requested Certificate of Appropriateness but not with the conditions recommended by staff. But, simply approve the request as proposed. Offered to answer any questions the Commission might have.

Chair York Taenzer: Asked how she would define historic.

Rebecca Brommel: Stated it's one of those things you have to know it when you see it and in this case we know that it's not. We know that this part of the property was built after the original part of the property. These windows are not character defining, which is one of the things the preservation briefs use to describe a historic window.

Elaine Estes: Stated she had the same question about defining historic. Stated something built in 1920 would be 96 years old now. The National Park Service considers 50 years as the minimum age for buildings to be eligible for the National Register of Historic Places. Additions are part of the growth and development of a property.

Rebecca Brommel: Stated we believe that the subject portion of the building was built closer to the 1950s.

Elaine Estes: Clarified that her point was that anything that is 50 years old or older is considered historic.

Martha Green: Asked staff if any new evidence was submitted that was not provided during Mr. Conlin's last application for this property or the resulting court case.

Thomas Fisher: Summarized that some of the information was presented previously to the Commission and some of it was brought forth during the court case.

Rebecca Brommel: Stated that some of this information was found during discover during litigation.

Denny Marchand: Asked for clarification about the property that was issued an administrative certificate.

Rebecca Brommel: Stated the property you are referring to is at 649-651 20<sup>th</sup> Street and that they applied to replace 9 out of 41 windows to match 31 windows already installed with vinyl.

Denny Marchand: Asked if all the windows in that building are vinyl.

Rebecca Brommel: Stated she did not know, but that the file suggests that is the case.

Denny Marchand: Noted Elaine is the only Commissioner present that was on the Commission when the Mangan case was reviewed and that she voted no. Asked if she recalled any of the discussion.

Elaine Estes: Stated that as she understands the Secretary of the Interior guidelines, and from what she has learned from attending numerous workshops, is that wood is the acceptable material. Stated she does not remember the details of that case. But, she believes that the need to use wood windows is why she would have voted no.

Denny Marchand: Stated he has been on the Commission since 2009 and at no time does he remember the Commission approving the use of vinyl windows. Recalled a case for a house built in the 1940's that had asbestos siding. It needed to have the

siding replaced on it. We followed the guidelines. I built a new house in Sherman Hill in 2007. I was not allowed to put vinyl windows in that house. I had to follow the guidelines. Vinyl windows do not look like wood windows.

Rebecca Brommel: Stated that on four occasions the Commission has found that vinyl does meet the guidelines.

Denny Marchand: Stated that was 16 years ago.

Rebecca Brommel: Stated it was in 2003 and in 2005. Clarified that the COA approved in 2005 was issued by staff.

Elaine Estes: Noted that the windows proposed to be replaced are wood and that she noticed that the hardware has flat screws. Hardware of that style and flat screws are hard to come by. Indicated that she would like to see the hardware and screws reused. Noted that the flat screws and hardware are another thing that document the building's history.

Chair York Taenzer: Asked if anyone had any additional questions for Ms. Brommel.

Denny Marchand: Indicated he had a question for staff. Asked Mr. Van Essen what he knew about the 2005 application.

Jason Van Essen: Stated he was not involved with that case and that the file is vague and that it is not clear exactly which windows were approved for replacement. Noted the use of casement windows is what was approved. The building has both double-hung and casement windows. There are round windows. I am not 100 percent sure that what is there is what was approved. What we know is that there were nine windows that were approved. It is not clear why they were approved, but I disagree with the decision that was made as noted in the staff report.

Denny Marchand: Stated he has visited historical areas all over the country and has never seen one where they allow vinyl windows. Fairhope, Alabama and Pensacola have beautiful areas where they have redone all kinds of old buildings. None of them have vinyl and if you see vinyl its somewhere on the coast because everything deteriorates so fast in that environment. When we built our house in Sherman Hill, we could not use vinyl windows. It is easy to install vinyl windows, but you lose so much of the character. I can see both sides. I am a contractor. I build houses. But the vinyl really changes the look. This is not just about having a part of the building that was changed. That part of the building is historic. It has been there for at least 50 years. As long as I remember, and 2007 was the first time I appeared before this board, we have never approved vinyl windows and we have been consistent. A window from the 1950's looks a lot different than a vinyl window.

Chair York Taenzer: Asked if there was anyone in the audience that wished to speak on the item. No one came forward.

Martha Green: Moved approval of the staff recommendation.

Breann Bye: Seconded the motion.

Elaine Estes: Asked for a friendly amendment to the motion that the applicant be encouraged to reuse or allow the reuse of the hardware from the existing windows.

Martha Green: Accepted the amendment.

VOTE: A vote of 9-0-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Barry	X			
Bye	X			
Griffin				X
Green	X			
Holderness				X
Estes	X			
Fenton	X			
Marchand	X			
McCoy	X			
Taenzer	X			
Todd	X			

**ACTION OF THE COMMISSION:**

Granting the application as presented subject to the conditions below would be in harmony with the historic character of the neighborhood and would meet the requirements set out in the Historic District Ordinance, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the City of Des Moines' Standard Specifications.

**CONDITIONS:**

1. The windows shall be constructed of wood with no cladding.
2. The windows shall be of the same general style, shape, and dimensions as the existing windows.
3. The selected window product shall be reviewed and approved by staff prior to installation.
4. The applicant is encouraged to reuse or allow the reuse of the hardware from the existing windows.