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| COA # 2010-COA-165 (HMP) | INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT | Hearing Date AUG. 4, 2010 |
| 1819 N. Alabama St. HERRON MORTON PLACE | | <i>Continued from:</i> June 2, 2010 July 7, 2010 |
| Applicant: PRIAN JANI mailing address: 1819 N. Alabama St. Indianapolis, IN 46202 | | Center Twp. Council District 9 Jackie Nytes |
| Owner: Same as above | | |
| CASE | | |
| IHPC COA: 2010-COA-165 (HMP) | Retain siding, windows and trim installed in violation of previously issued COA's. | |
| | Retain sided over window openings completed without approval. | |
| STAFF RECOMMENDATION: Denial | | |

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| STAFF COMMENTS |
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Background of the Property

This two-story frame structure was built c. 1895. Its features include a hip and gable roof, clapboard siding and decorative shingles (originally) in the front gable. The house is located on the east side of Alabama street mid-block between 18th and 19th Streets. It is zoned D-8 and is undergoing rehabilitation to return it to a single family residence after having been divided into 4 units in the 1980's. The applicant purchased the bank owned property in the fall of 2008. Previous owners had begun renovations (including reconstruction of the missing front porch and re-opening original window openings) on the house in 2004, but never finished.

Background of the Case and Violations

A detailed timeline/enforcement history of this case is attached at the end of this report, but, in brief, in September 2008, the applicant applied and received staff approval with stipulations to:

- Repair and replace siding as needed;
- Replace roof shingles;
- Repair existing windows and trim and replace windows where needed.

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| October 2008 | Work proceeded on the property. |
| December 2008 | Violations (listed below) were identified in which work being done was not in compliance with the COA and its stipulations. |
| February 2009 | The applicant subsequently applied to correct some of the issues and received approval to do so (09-010 Part A & B). |
| January 2010 | The owner had never undertaken the work to correct the violations. After getting no cooperation from the owner to make corrections, staff turned the case over to the City Prosecutor. |
| April 2010 | In response to the complaint filed by the City Prosecutor, the owner is now requesting the Commission's approval to retain all the work (windows, window trim, and siding) that was done inconsistently with the previously issued COA's. |

Violation Details – Work the applicant requests to retain

1. **Replacement windows** (Windows A thru R in photos below)– Replacement windows were installed in these openings in violation of stipulations included in COA 08-404 (HMP). The owner had told staff on October 21, 2008, that he intended to repair all existing windows and not replace any windows. All windows were replaced without staff’s agreement that the existing windows were beyond repair and without staff’s sign off on specification sheets for the proposed new window units. Additionally, the replacement windows do not match the dimension, configuration or profile of the original windows.
2. **Original window openings sided over without approval.** (Windows S, T, U, V in photos below)
3. **Siding** on all elevations was removed and replaced in violation of stipulations included in COA 08-404 (HMP). The applicant did not submit photos of the areas where siding was to be replaced as required by the COA or get staff’s agreement that the siding was beyond repair. The applicant installed all new siding that does not match the dimension of the original siding (*now 6 inches/originally 5 inches*).
4. **Trim around all windows** was removed and replaced in violation of stipulations included in COA 08-404 (HMP). All of the new trim is diminished in dimension and profile from the original.

Additionally, the applicant has other outstanding violations regarding the front entry door that was installed without approval and removal of the shake shingles in the front gable. The applicant has applied to correct both of these violations and has received staff approval to make the corrections, but has not yet undertaken the work.



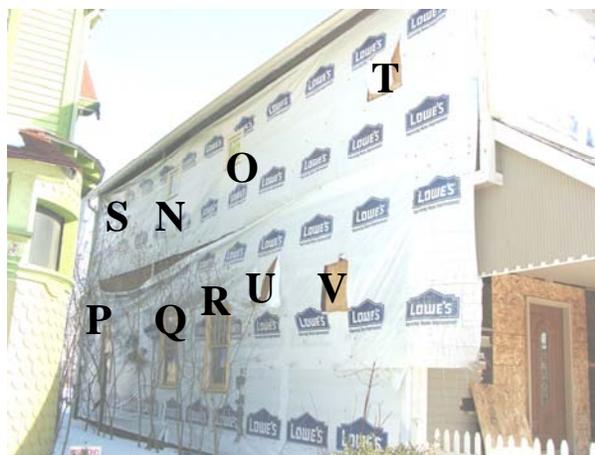
Front/West Elevation



Rear/East Elevation



South/Side Elevation



North/Side Elevation

Replacement Windows and Trim vs. Original

The original windows were 3/1 true divided lite solid wood double hung windows. The replacement windows that were installed are 4/1 simulated divided lite, wood double hung windows. The overall dimensions of the replacement windows are wider and shorter than the original windows and the profile of the stiles, rails and muntins are diminished compared to the original windows. Additionally the trim around the windows is a diminished dimension and profile, the sill is set flush with the wall and the stool and apron have been eliminated.

The **Herron Morton Plan** states:

“Windows on an historic building are important elements defining its architectural character and historic significance. Their original materials and features should be respected and retained. Replacement should only be done if necessary and if similar to the original.”

“Avoid replacement windows not similar to the original in size, dimensions, shape, design, pattern, and materials.”

“Original window trim should be preserved and retained. Only badly deteriorated sections should be replaced to match original.”

Unfortunately, staff understands the original windows were disposed of and therefore returning them to this building is not an option. With that, staff is left to review the appropriateness of the replacement windows. Due to the altered height and width, profile, and configuration of the replacement windows, they are not units that staff would have approved for this building if given the opportunity and we find them to be inappropriate and to create an adverse effect on the building and the neighborhood.



Original windows – south side – Sept. 2008



Replacement windows – south side – July 2010

Replacement Siding vs Original Siding

The original siding was solid wood with a 5 inch reveal. The replacement siding is solid wood with a six inch reveal. Historically, siding reveals were 4-5 inches and even on new construction, staff never recommends a reveal wider than 5 inches to maintain that historic aesthetic and consistency throughout the neighborhood.



Front Elevation – Sept. 2008



Front Elevation – July 2009

The **Herron Morton Plan** states:

“Replacement of original siding is generally justified only by documented problems with the material’s structural condition. Aesthetic reasons generally do not justify replacement.”

“Avoid removing the original siding. It provides important physical evidence of a building’s history and adds immeasurably to a building’s historic character. Even if replaced with new matching wood siding, the irregularities which record the building’s evolution through time and give it its character are lost. In short, the historic significance of a building where the original siding is removed is diminished.”

“If replacement of siding is justified (partial or total) avoid using any material other than real wood with dimensions, profile, size and finish to match the original.”

Again, staff understands the original siding was disposed of and therefore restoring it on this building is not an option. With that, staff is left to review the siding that was installed and finds it is not a dimension that would have been approved if given the opportunity and that it is inappropriate and creates an adverse effect on the building and the neighborhood.

Openings Sided Over or altered vs. Original Fenestration Plan



North elevation – Sept 2008



North elevation – July 2010



South Elevation – October 2004



South Elevation – July 2009

On the north side of the house, 3 casement style openings and 3 double hung window openings were sided over. What remains on the north are 2 casements at the 2nd level and 3 double hung windows on the 1st level.

On the south, one double-hung window opening was converted to a casement opening.

The **Herron Morton Plan** states:

“Avoid creating new window openings or eliminating original window openings. This should be considered only when necessary and must be avoided on significant, and/or highly visible elevations.”

While staff’s preference would have been to retain the openings as they existed, this house has undergone many changes to its fenestration plan over the years. At the time of district designation, many of the house’s original openings had been sided over. Generally, the previous owner and this applicant have returned the fenestration plan largely to a configuration that it likely would have been originally and that is much more appropriate. Additionally, if the applicant had applied for these changes, it is likely these opening alterations would have been approved at an administrative hearing level due to their location on secondary elevations and minimal visibility from the street. With that, staff is open to maintaining the number and location of openings as well as the conversion of the double-hung openings to casement style openings, as the applicant has them today.

Certificate of Authorization

The IHPC’s statute states: *“If the commission finds... any application to be inappropriate, but that its denial would result in substantial hardship or deprive the owner of all reasonable use and benefit of the subject property, or that its effect upon the historic area would be insubstantial, the commission shall issue a certificate of authorization.”*

While the applicant has implied to staff that it would be a substantial economic hardship for him to replace the siding, windows and window trim with appropriate siding, windows and trim, he has not provided any details to this effect. And, staff finds, that in this instance, the hardship that has been created is self-imposed.

Final Staff Analysis

Staff finds the retention of the existing siding, replacement double hung windows and window trim is not appropriate for the following reasons:

- The dimensions of the siding, windows and trim change the historic proportions of the entire house and create an adverse effect on the neighborhood.
- Approval of these elements without any unique circumstances could set a precedent for other properties in the area, thereby defeating the plan’s objectives.
- Any hardship from the installation of these elements is self imposed due to the applicant not obtaining the appropriate approvals.

STAFF RECOMMENDED MOTION

2010-COA-165 (HMP):

To deny a Certificate of Appropriateness to retain the siding, replacement double hung windows and all trim that was installed without approval and in violation of previously issued Certificates of Appropriateness.

Staff Reviewer: Amy L. Bear





Looking East



Looking North

IHPC CASE TIMELINE / ENFORCEMENT HISTORY

- September 2008** – Owner initiates conversation with staff and submits initial application for exterior rehabilitation.
- October 14, 2008** – Owner submitted a window survey (in compliance with the stipulations of COA 08-404) indicating which windows he would repair and which he wished to replace.
- October 21, 2008** – Owner verbally told staff he changed his mind and intended to repair all windows.
- December 31, 2008** – IHPC staff contacted the Office of Code Enforcement and requested a Stop Work Order be posted to address work not being done in accordance with COA 08-404 (HMP). OCE responded and posted a SWO (VIO08-04923) same day.
- January 12, 2009** – Prian Jani and Mahesh Panchal applied to correct window and front entry door violations (COA 09-010 (HMP)). Application was scheduled for the 2/3/09 administrative hearing.
- February 3 & 10, 2009** – Administrative hearings were held and Certificates of Appropriateness to address work done in violation of COA 08-404 (HMP) were issued (COA 09-010 Part A&B) with all corrective work to have been completed by February 3, 2010 and February 10, 2010.
- July 16, 2009** – IHPC staff conducted site visit and determined the work approved in COA 09-010 Part A & B had not been started and additional work had been done without approval. IHPC staff called and left a message at 293-0528 to discuss the situation with the owners. Also, staff tried to call 217-246-8976, a contact number included on the most recent application. No one answered this number and the voicemail would not allow a message to be left. Additionally, IHPC staff mailed a violation letter to the property owners on this day.
- July 17, 2009** – IHPC staff left a message at 840-0642, Shankar Development. This name and number was on a sign in the front yard.
- July 27, 2009** – IHPC staff requested the Office of Code Enforcement to place a Stop Work Order on the house. This was done same day.
- January 13, 2010** – IHPC staff filed a Request to File a Complaint with the City Prosecutor, due to the owners lack of response to above-mentioned enforcement actions.
- April 29, 2010** – Owner submitted application to IHPC requesting to retain siding installed not in compliance with previously issued COA.
- June 2010** – Owner requested to continue case to July 2010 to allow more time to send out legal notice.
- July 2010** – Owner requested to continue case to August 2010 to allow time to meet with the neighborhood association.
- July 16, 2010** - Owner requested to amend his application to include retention of windows installed not in compliance with previously issued COA.

INDIANAPOLIS HISTORIC PRESERVATION COMMISSION

CERTIFICATE OF APPROPRIATENESS

APPROVED FEB 03 2009 INDIANAPOLIS HISTORIC PRESERVATION COMMISSION

FILE NUMBER: 09-010 (HMP) DATE ISSUED: February 3, 2009 HISTORIC AREA: Herron-Morton Place PART A FOR WORK TO BE DONE AT: 1819 N Alabama

APPLICANT: Prian Jani and Mahesh Panchal

ADDRESS: 3025 Scottsdale Dr CITY/STATE: Indianapolis, IN ZIP CODE: 46234

TYPE OF WORK APPROVED UNDER THIS CERTIFICATE:

Approval of a Certificate of Appropriateness to:

- A. Retain removal of a casement window opening on the front facade done without approval
B. Retain new entry opening on the front facade created without approval
C. Retain alteration of entry door opening into a window opening on the front facade, done without approval
D. Replace front entry door (installed without approval) with an appropriate new door
E. Re-create original double-hung window opening (removed without approval)
F. Replace windows on front and rear facade (installed without approval) with appropriate new windows
G. Replace rear entry doors (2) with appropriate new doors
H. Side over 2nd story casement window on rear facade

all per submitted documentation and subject to the following stipulations:

- 1. Items A through F above address construction that was done without approval and corrections shall be made prior to the expiration of this certificate, February 3, 2010.
2. New wood windows (with simulated or tru-divided lites) shall be installed in the original window openings...
3. New wood windows shall be double-hung and match the original divided light configuration...
4. New windows must be approved by IHPC staff prior to purchase and installation.
5. New entry doors (front and rear) must be approved by IHPC staff prior to purchase and installation.
6. One window shall be installed, trimmed out and approved by IHPC staff prior to the remainder of the windows being installed.
7. All exposed wood shall be primed and painted.
8. Replacement of wood windows or trim shall only occur if the original is missing or deteriorated beyond repair.
9. Replacement of siding or trim shall only occur if missing or deteriorated beyond repair.
10. All replacement materials shall match the original materials they replace.
11. New materials shall have a smooth finish and contain minimal knots or other imperfections.
12. Any change in the scope of work described in this certificate must be approved by IHPC staff prior to beginning work.
13. All debris shall be removed from the site within seven (7) days of substantial completion.

Note 1: Permits are required for some work. Please contact the Permits office at 1200 Madison Ave. Ste. 1200, (317) 327-8700, to acquire all applicable permits prior to starting any project.

BY: [Signature] Amy L. Bear, Hearing Officer

IHPC HEARING ADMINISTRATIVE HEARING STAFF APPROVAL

NOTICE: THIS CERTIFICATE WILL BECOME VOID AFTER: February 3, 2010 CONTACT THE IHPC OFFICE IF AN EXTENSION OF THE EXPIRATION DATE IS NEEDED.

THIS CERTIFICATE IS A PREREQUISITE TO THE ISSUANCE OF ANY BUILDING OR DEMOLITION PERMITS, IMPROVEMENT LOCATION PERMITS, WHEN REQUIRED, AND TO THE GRANTING OF ANY USE VARIANCES OR REZONINGS IN ALL DESIGNATED HISTORIC AREAS OF MARION COUNTY, INDIANA.

INDIANA CODE 36-7 CHAPTER 11.1

THIS CERTIFICATE IS NOT IN AND OF ITSELF PROOF THAT THE MATERIALS AND DOCUMENTS PRESENTED TO OBTAIN A BUILDING, DEMOLITION, IMPROVEMENT LOCATION, OR OTHER PERMITS REFLECT THE SCOPE OF WORK APPROVED BY THE IHPC, UNLESS SAID MATERIALS OR DOCUMENTS BEAR AN APPROVAL STAMP AND DATE FROM THE INDIANAPOLIS HISTORIC PRESERVATION COMMISSION.

INDIANAPOLIS HISTORIC PRESERVATION COMMISSION

CERTIFICATE OF APPROPRIATENESS

APPROVED FEB 10 2009 INDIANAPOLIS HISTORIC PRESERVATION COMMISSION

FILE NUMBER: 09-010 (HMP) DATE ISSUED: February 10, 2009 HISTORIC AREA: Herron-Morton Place PART B

FOR WORK TO BE DONE AT: 1819 N Alabama

APPLICANT: Prian Jani and Mahesh Panchal

ADDRESS: 3025 Scottsdale Dr

CITY/STATE: Indianapolis, IN

ZIP CODE: 46234

TYPE OF WORK APPROVED UNDER THIS CERTIFICATE:

Approval of a Certificate of Appropriateness to:

- A. Remove two casement windows installed without approval on the 2nd story of the north facade and re-create four (4) original 2nd story double-hung window openings that were removed without approval
B. Re-create the three (3) original casement openings (2 on 1st story and 1 on 2nd story) on the north facade that were removed without approval
C. Re-create the one (1) original 2nd story double-hung window opening on the south facade that was removed without approval
D. Replace windows on north and south facades with appropriate new windows

all per submitted documentation and subject to the following stipulations:

- 1. All items above address construction that was done without approval and corrections shall be made prior to the expiration of this certificate, February 10, 2010.
2. Re-created openings shall match the original opening dimensions.
3. New wood windows (with simulated or tru-divided lites where they are double-hung) shall be installed in the original window openings and shall match the dimensions of the original sash and trim and shall be of solid wood construction. No alterations to the original opening size are permitted.
4. New wood windows double-hung windows shall match the original divided light configuration (per photo documentation). For example, three over one on the west facade. New casement windows shall match the dimension and profile of the original casement windows.
5. New windows must be approved by IHPC staff prior to purchase and installation.
Approved: _____ Date: _____
6. One double-hung window and one casement window shall be installed and trimmed out and approved by IHPC staff prior to the remainder of the windows being installed.
Approved: _____ Date: _____
7. All exposed wood shall be primed and painted.
8. Replacement of wood window or trim shall only occur if the original is missing or deteriorated beyond repair. Every attempt shall be made to salvage as much historic material as possible with epoxy, Dutch patch repairs, or other similar techniques.
9. Replacement of siding or trim shall only occur if missing or deteriorated beyond repair. Every attempt shall be made to salvage as much historic material as possible with epoxy, Dutch patch repairs or similar techniques.
10. All replacement materials shall match the original materials they replace. All new materials shall have the same profile, texture and configuration.
11. New materials shall have a smooth finish and contain minimal knots or other imperfections. Rough-sawn finishes are no permitted. Any knots or surface imperfections shall be filled to achieve a smooth appearance. New wood material must be sanded, primed, and painted to match the existing material.
12. Any change in the scope of work described in this certificate must be approved by IHPC staff prior to beginning work.
13. All debris shall be removed from the site within seven (7) days of substantial completion.

Note 1: Permits are required for some work. Please contact the Permits office at 1200 Madison Ave. Ste. 1200, (317) 327-8700, to acquire all applicable permits prior to starting any project.

BY: [Signature] Amy L. Bear, Hearing Officer

- IHPC HEARING ADMINISTRATIVE HEARING STAFF APPROVAL

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Front Elevation – August 2004

Bear, Amy

From: Michael Whitlock [mdwhit@indy.rr.com]
Sent: Tuesday, July 27, 2010 1:23 PM
To: Bear, Amy
Cc: 'JonathanC'
Subject: RE: 1819 N Alabama St

Amy,

I ultimately would like to see the structure become a home for someone that does honor the historic fabric of the neighborhood. I purchased 1815 in 2000 and the property at 1819 has been "in transition" for 10 years.

In February 2010, I attended a hearing to discuss replacing the front door and windows and it was my understanding the petitioners' representative had agreed to replace the front door and the current windows for an appropriate door and appropriate windows, this has not happened. Now the issue of the inappropriate installation of the siding is an issue.

For the record I support denial of the petitioners request to keep the doors, windows and siding.

Michael Whitlock
1815 N Alabama Street

Copy: Jonathan Chumley, chair
HMP Land Use Committee

Remonstrance letter from neighbor to the south at 1815 N Alabama



West/Front Elevation – October 2004



West/Front Elevation – September 2008



West/Front Elevation – February 2009



West/Front Elevation – July 2009



East/Rear Façade – October 2004



East Rear Façade – September 2008



East/Rear Façade – February 2009



East/Rear Façade – July 2009



South Elevation – October 2004



South Elevation – February 2009



South Elevation – July 2009



North Elevation – September 2008



North Elevation – November 2008



North Elevation – February 2009



North Elevation – July 2009