

2010-COA-583 (LS)	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date APRIL 6, 2011
621 VERMONT ST. AKA. 619 E. VERMONT PL LOCKERBIE SQUARE		Continued for 2 months from: Feb. 2, 2011
Applicant SCOTT PERKINS, BLACKLINE mailing address: 1043 Virginia Avenue, Studio 211 Indianapolis, IN 46203		
Owner: KEN ADAMS, ADAMS INVESTMENTS LLC		Center Township Council District: 15
CASE		Doris Minton McNeil
IHPC COA: 2010-COA-583 (LS) To retain all windows installed without approval		
STAFF RECOMMENDATION: Continue to May 4, 2011		

Background of the Property

This building first appears on the 1898 Sanborn Map as constructed for the Express Parcel Delivery Company. The building was originally one and two stories in height with a wagon shed, offices, and hay loft on the second floor. The northern portion of the building was enlarged with a third story sometime after 1915. The building later served as a machine shop, the Peak Nut wholesaler, a cabinet shop, and a card shop.

1985-86 Renovation and Conversion

The IHPC approve the conversion of the building to Lockerbie Flats with 15 apartments. At that time, the steel factory windows and wood double-hung windows were determined to be significant to the character of the building and the decision was made to restore them. The single-pane glass in the steel windows was replaced with double-pane insulated glass. Three new openings on the south elevation and five new window openings on the east elevation were approved.

The Violation in 2003

The purpose of this application is to resolve a violation from 2003. Staff discovered this violation last year when an owner of a different building pointed to Lockerbie Flats as an example of windows similar to what he desired being approved by the IHPC. After finding no COA for the Lockerbie Flats windows, staff contacted the building manager and learned that the windows had been replaced in 2003. He said he thought the window contractor had obtained all necessary approvals and permits.

All 43 historic, rolled steel, divided-lite windows on the second and third floors have been replaced with aluminum slider style windows (some with transoms.) Grids are sandwiched between the insulated glass. Thirty five windows were replaced on the third floor and 8 were replaced on the second floor. The wood windows on the first floor were not replaced. The windows in the new openings created in the 1985-86 renovation were not replaced.

Phil Thrasher, attorney for Lockerbie Flats, contacted the contractor who installed the windows and was told that the contractor does not maintain records for work performed seven years ago and would not accept liability for failing to obtain IHPC approval.

Origin of the Historic Steel Windows – now removed

Staff believes the steel windows removed from the third floor were original to the post-1915 third floor phase of construction. The first floor wood windows are probably original to the oldest phase of construction. However, the steel windows previously in the second floor were probably installed at the time the third floor was added and replaced wood windows with wire glass (based on Sanborn Atlas and photographic research.)

New Aluminum Slider Windows – installed without approval

The best way to depict the differences between the new slider windows and the steel windows is with photographs of three different window situations on the building:

NEW



OLD



The previous photos display the following problems with the new aluminum slider windows:

- The steel windows were all on the same plane, while the slider replacement windows have movable sections that are on different planes.
- The plane differentiation is more similar to a modern sliding glass door than to a traditional double-hung window, which accentuates the visual incongruity of these windows.
- The use of a transom with wide separation bar is at significantly dissimilar to the original configuration of the steel windows.
- The windows include grids sandwiched within the insulated glass, which gives a different visual effect than the true divided lites of the steel windows.
- The grids in the new windows create “panes” that are oriented horizontally, while the panes on the steel windows were oriented vertically.
- Exterior screens on the new slider windows emphasize the window in two planes and alter the color and appearance significantly from the original aesthetic.
- As a material, the aluminum on the new windows is an appropriate replacement for steel. However the dimensional differences are greater than would be desired.

STAFF ANALYSIS

Does window condition justify removal?

The owner can describe the poor condition of the steel windows. However, since they are long gone, there is no way to determine if their condition actually warranted total replacement. For that reason, staff does not recommend a certificate of “appropriateness” for any solution to this matter.

Should “Authorization” be considered?

Because of the undocumented removal of the historic steel windows, staff believes that any resolution of this matter should qualify for a certificate of “authorization.” State statute sets out three tests for “authorization” and requires the IHPC to approve it if it finds even one of them to be met:

1. **Substantial Hardship**: Clearly, replacing 43 large windows after only years with custom-made appropriate windows will result in some level of economic hardship. On the other hand, the problem is self-created and there may be ways to reduce the economic impact and make it manageable. It should also be noted that this building is not without resources, since it generates income.
2. **Deprivation of Use**: Staff does not believe any decision by the commission would result in depriving the owner of all reasonable use and benefit of the property.
3. **Insubstantial Effect**. Staff believes the present window situation does result in a substantial effect on the character of this historic property and the immediate surrounding area. However, even though this building is large, its area of direct visual impact is fairly limited. In fairness, staff believes the following realities should be taken into account:
 - a) The windows had been in the building for 7 years without anyone in the surrounding area complaining and without many people, including IHPC staff, even noticing.
 - b) Any negative effect upon the historic area is naturally limited by the location of the building, which is located on alleys rather than streets, and faces only the rear yards of its neighbors.

Is there a Compromise Solution?

Staff suggests this situation warrants some flexibility in finding a solution. This is largely because:

1. The building has limited visual effect on the larger historic area (many people do not know it exists.)
2. There is no evidence that anyone who has actually lived around the building over the last 7 years has ever found the effect to be “substantial,” certainly not enough to bring it to our attention.
3. The building, while historic, was altered over time and the steel windows were not original to a part of the building.

Therefore, staff believes the key to a reasonable solution will be a combination of:

1. Reducing the hardship to a manageable level, and
2. Finding a way to mitigate and reduce the visual effect of the new windows to a level the commission believes is not substantial.

Recommendation – Continue to May

The owner hired architect Scott Perkins to explore alternative solutions. Staff toured the building with Mr. Perkins and discussed various approaches to finding solutions. It was staff’s understanding and expectation that this would result in the owner offering some kind of proposal to address the violation. However, by the time this staff report needed to be written, no proposal other than retaining all windows had been received. It is now our understanding that the owner does not wish to propose anything other than retaining all the windows as-installed.

Therefore, staff suggests that this matter be continued to May, but only after this matter gets a full hearing so the owner, his representatives and staff can hear the commission’s thoughts with regard to the level of mitigation needed to justify a certificate of authorization.

Staff offers the following thoughts when considering a solution:

1. Find a more appropriate replacement window. Staff has identified one option that may be more appropriate, but the owner must explore that option and others that may exist.
2. Determine if some of the windows have less impact on the overall character of the building and consider allowing them to remain, focusing limited resources on those windows that will make the biggest impact on overall character.
3. Consider phasing the replacement to spread out the economic impact.
4. Consider replacing windows when apartments become empty, to reduce the economic impact.

However, if the owner wants a decision and is not interested in offering a compromise solution after considering the commission’s thoughts, then denial is recommended.

STAFF RECOMMENDED MOTION

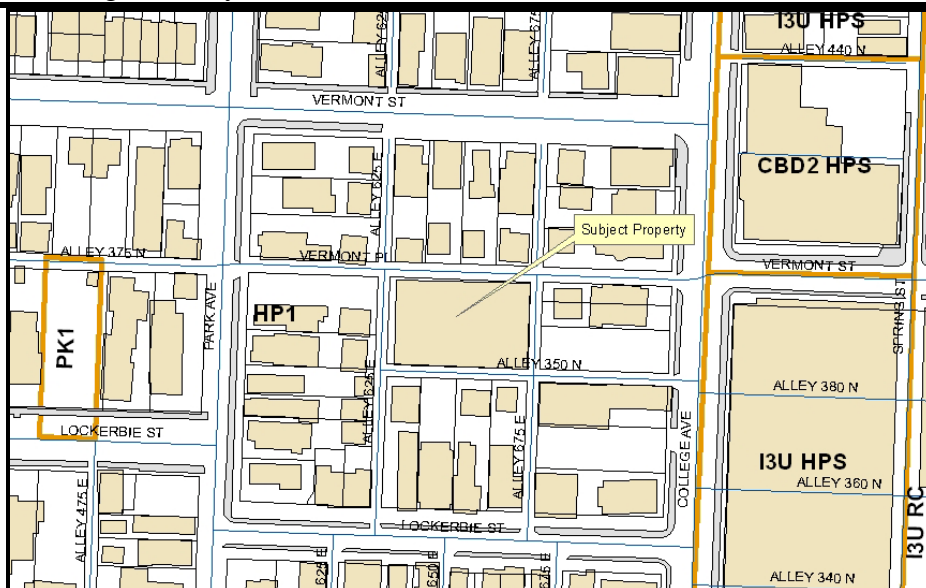
2010-COA-583 (LS):

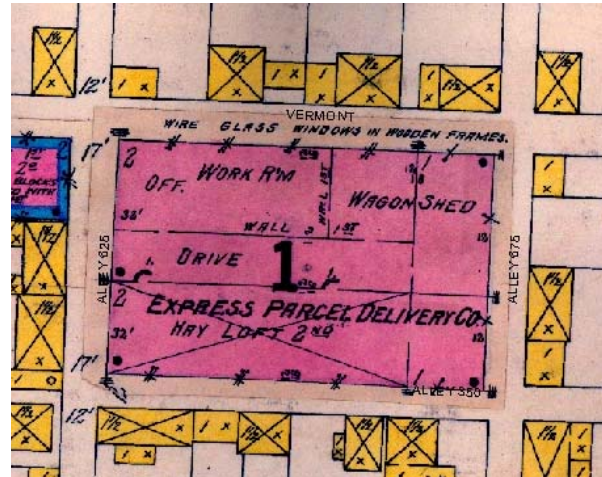
To continue the request to the May 4, 2011 IHPC hearing to allow time for the applicant and staff to identify an appropriate replacement window and reasonable plan to mitigate the effect caused by replacing steel factory windows with unapproved aluminum slider windows.

OR

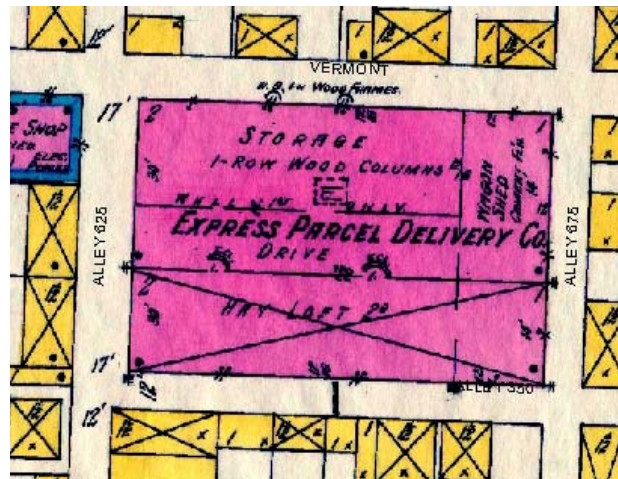
To deny a Certificate of Appropriateness or Authorization to retain windows installed without approval.

Staff Reviewer: Meg Purnsley

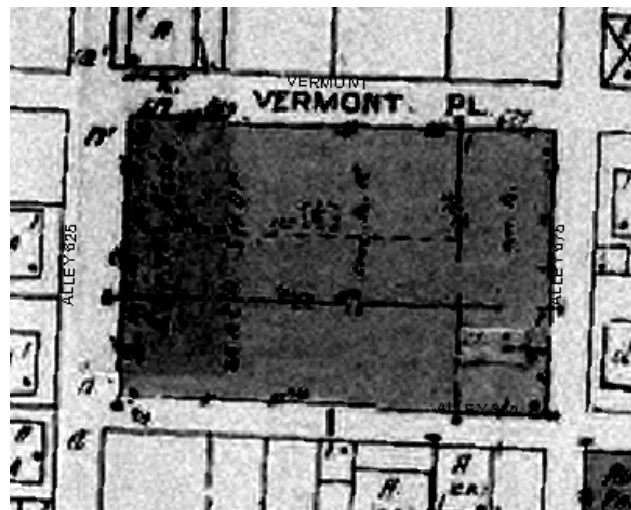




1898 Sanborn Map



1915 Sanborn Map



1956 Sanborn Map



Looking North



Looking East (view below is of west elevation)



Above: View of windows at third floor (south elevation).

Below: Aerial view looking at south elevation of building.





Above: View of the 17 windows replaced on the north elevation

Below: View of the 17 windows prior to being replaced.





Above: View of the windows replaced on the east elevation

Below: View of the same windows prior to being replaced.





Above: View of windows on the west elevation that were replaced.

Below: View of same windows on the west elevation prior to replacement.

