

COA # 2011-COA-409 (IRV)	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date NOV. 2, 2011
41 N WHITTIER PLACE IRVINGTON		NEW CASE Warren Township Council District: 21 Benjamin Hunter
Applicant GROVER B. DAVIS, attorney for SHATAWN LOWHORN mailing address: 235 N. Delaware Indianapolis, IN 46204		
Owner: same		
VIOLATION CASE (WORK STARTED WITHOUT APPROVAL)		
IHPC COA: 2011-COA-409 (IRV) <ul style="list-style-type: none"> • Retain inappropriate wood siding on front gable installed without approval • Replace inappropriate rear steel door with wood door. • Replace inappropriate aluminum clad windows on north side and vinyl window at front porch with wood windows • Modify attached shed-like structure at rear of house constructed without approval. 		
STAFF RECOMMENDATION: Approval with stipulations if applicant agrees		

STAFF COMMENTS

Background of the Property

The subject property is a 2 ½ story historic Craftsman Foursquare house. The house is a wood-framed structure and is a single-family house with no accessory structures on the property.

Background of the Violation Case

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| January 2008 | Staff received a complaint of work occurring without approval. Staff investigated and found no evidence of work occurring. |
| March 2008 | Ms. Shatawn Lowhorn purchased the property. |
| August 2008 | <p>Another complaint about unapproved work occurring was received. Staff investigated and found the following violations:</p> <ol style="list-style-type: none"> 1. Replacement of wood shingles in the front gable with wood lap siding 2. Replacement of one wood window at south elevation (stair landing) with a vinyl window 3. Replacement of wood windows with aluminum-clad windows at north elevation (three windows total) 4. Replacement of one wood window at front porch (south end of porch) with a vinyl window of a different size 5. Construction of attached rear shed-type structure 6. Alteration of trim and opening size at first floor porch window |

At staff's request, the Department of Code Enforcement posted a stop work order for failure to obtain a COA for exterior work and for failure to obtain the appropriate building permits.

- Aug '08 – Jun. '10 Over this time, Ms. Lowhorn submitted several applications for a Certificate of Appropriateness, but the applications were always missing information needed by staff to process the request.
- June 22, 2010 Seeing no progress toward filing a proper application, IHPC staff turned the case over to the City Prosecutor for enforcement.
- 2011 Ms. Lowhorn, now named in a complaint filed by the City, submitted a complete application and has sent out proper notices.

VIOLATIONS – Owner has agreed to correct

The owners have agreed to correct the following violations.

1. **Windows and Trim.** Staff believes the original windows could have been restored. However, now that they have been removed, the only appropriate remedy is to replace them with appropriately sized solid wood double-hung windows.
 - a. **Three Windows on North Side.** Original wood double hung windows were replaced with aluminum clad windows. New wood double hung windows should be installed.
 - b. **One Front Porch Window and Trim.** The porch window that was replaced was also modified in size and trim. This window should be replaced with a new wood window and wood trim to match the IHPC file photo of the original.
2. **Door.** The steel door on the rear of the house is inappropriate due to its material and design. This door should be replaced with a solid wood door of a design typical of the time period of the house.
3. **Rear Shed-like Structure.** The structure could be appropriate if finished properly. However, staff would need to see a drawing of how the structure would be completed. Photos seem to indicate that this structure was there before Ms. Lowhorn purchased the property, but she has since altered and modified it without a COA.

VIOLATIONS – Owner has not agreed to correct

The owner has not agreed to correct these two violations, although to-date she has not provided staff with any particular reason.

1. **Front Gable.** The applicant removed the original wood shingles and replaced them with wood lap siding. The lap siding should be removed and appropriate wood shingles to match the originals should be installed.
2. **One Window and Trim – South Side Stair Window.** The original wood double-hung window was removed and replaced with a vinyl double hung window. It should be replaced with an appropriately sized solid wood double-hung window.

Other Violations – Not Included

When staff visited the property in August of 2008, other violations were noted:

1. replacement of front porch columns and railing,
2. resurfacing of the concrete front porch, and
3. installation of two additional vinyl windows at the rear of the property.

Since the owners contend that the previous owner did the work and staff cannot prove otherwise, these items were deleted from the list of violations for which the present owners are responsible.

Irvington Preservation Plan

Windows:

Not recommended – Replacement windows not similar to the original in size dimension, shape, design, pattern, and materials. Aluminum clad, vinyl extruded, or vinyl clad windows, simulated snap-in muntins, and tinted glass is not considered similar to original wood windows.

Siding:

If replacement of siding is justified, avoid using any material other than real wood with dimensions, profile, size and finish to match the original.

Certificate of Appropriateness

Staff does not believe that retention of any of the work on this house is justified by the criteria for a certificate of Authorization. However, it would be appropriate for the applicant to correct all the violations in the manner recommended in this report. If the applicant agrees to this, staff recommends a Certificate of Appropriateness. If not, staff recommends denial, in which case the City Prosecutor will continue pursuing the complaint that has already been filed.

STAFF RECOMMENDED MOTION

COA #2011-COA-409(IRV):

To approve a Certificate of Appropriateness for the following:

- 1. Replacement of three aluminum windows installed without a COA on the first floor of the north side with new wood double-hung windows**
- 2. Replacement of one vinyl window installed without a COA on the 1st floor front elevation with a new wood window to match the size and trim of the original window (not the inappropriate, re-sized window.)**
- 3. Replacement of one vinyl window installed without a COA on the south side at the stair landing with a new wood double hung window and installation of trim to match the original.**
- 4. Replacement of the rear steel door installed without a COA with an appropriate wood door.**
- 5. Replacement of the front gable lap siding installed without a COA with wood shingles.**
- 6. Completion of attached rear shed-like structure constructed without a COA**

As per submitted documentation and subject to the following stipulations:

- 1. Final drawings showing how rear porch attached rear shed-like structure is to be designed and built shall be submitted to IHPC staff for final approval. Approved _____ Date _____**
- 2. New window and door selections must be approved by IHPC staff prior to purchase and installation. Approved _____ Date _____**
- 3. New shingles at front gable shall be real wood and match the shingles that were originally found on the gable as found in the photo documentation in the IHPC building file. Final shingle selection must be approved by IHPC staff prior to installation. Approved _____ Date _____**
- 4. All replaced and rebuilt window elements shall replicate the documented historic appearance of the existing windows. Any deviation from this approach shall be approved by IHPC staff prior to construction.**
- 5. The dimensions of the new window components (including stiles, rails, muntins, casings, jambs, and sills) shall match the appearance of the historic windows that were on the building.**
- 6. New doors and windows shall be solid wood and shall fit the original opening sizes.**
- 7. All replacement materials must match the historic materials originally found on the building. All new materials shall have the same dimension, color, surface texture, and configuration as the original material.**
- 8. New materials shall have a smooth finish and contain minimal knots or other imperfections. Any knots or surface imperfections shall be filled to achieve a smooth appearance, and any new wood**

material must be sanded, primed, and painted to match the existing material. Except for shingles, rough-sawn finishes are not permitted. All wood elements must be painted.

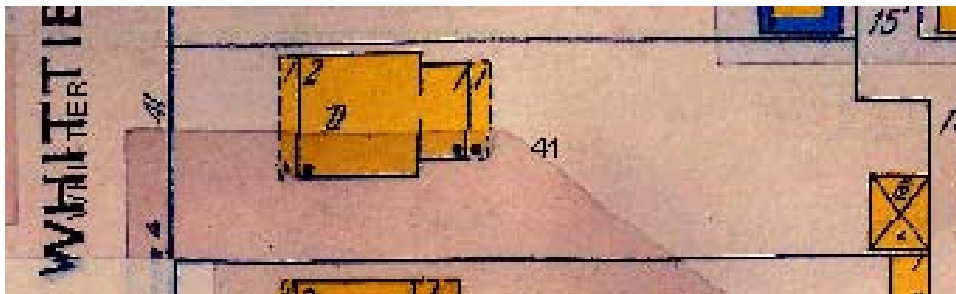
Note 1: All violations must be corrected no later than December 31, 2011.

Note 2: Stipulations 1, 2 and 3 must be completed prior to issuance of permits.

Staff Reviewer: Meg Purnsley



Below: 1915 Sanborn Map of the site





Above: View of house in January 2008
Below: View of house in August 2008 after violations occurred.





Above: View of original wood shingles in dormer
Below: View of wood lap siding used to replace shingles





Above: View of house before Ms. Lowhorn purchased it (Jan. 2008)
Below: View of house five months after Ms. Lowhorn purchased it (August 2008)





Above: View of wood windows covered by aluminum storms on north elevation before replacement.
Below: View of aluminum clad windows installed and new wood trim installed.





Above: View of original window and trim at front porch window
Below: View of new vinyl window and wood trim. Window is shorter and wider than the original.





Above: View of shed-like structure as it appears today

Below left: View of wood double-hung window at south elevation
Below right: View of vinyl window on south elevation (stair landing area)

