



CITY OF WAUKESHA

Administration

201 Delafield Street, Waukesha, WI 53188
 Tel: 262.524.3701 fax: 262.524.3899
 www.waukesha-wi.gov

Committee: Landmarks Commission	Date: 11/6/2019
Common Council Item Number: ID#19-1444	Date: 1/21/2020
Submitted By: Charlie Griffith	City Administrator Approval: Kevin Lahner, City Administrator KL
Finance Department Review: Rich Abbott, Finance Director RA	City Attorney's Office Review: Brian Running, City Attorney BR
Subject: The appeal of Landmarks Commission denial of the Certificate of Appropriateness to replace three windows at 233 N. Charles Street. (McCall St. Historic District)	

Details: At its November 6th meeting the Landmarks Commission denied an application for a Certificate of Appropriateness to remove three windows at 233 N. Charles St. and replace them with four new windows. The work had already been completed, and the applicant applied for a COA after he was contacted by staff in response to a neighbor complaint. The applicant told staff he did not realize this work required Landmarks Commission approval. The applicant did receive a Certificate of Appropriateness for modifications to the front porch in 2017.

Two full-length windows on the north side of the house have been removed and replaced with four small, clerestory windows. The spaces where the old windows were located have been filled in with plywood and siding. The large picture window on the front of the house was also removed and replaced. The new windows have vinyl frames. The applicants believed the windows on the north side may have been original but were not in a condition where they could be repaired. They do not think the window on the west side is original, but it did have a wood frame.

The Landmarks Commission ordinance includes five factors for the Commission to consider in making decisions on the appropriateness of work on historic properties. In this case, the only factor that is relevant is #3, which requires construction in historic districts to comply with the purpose and intent of the ordinance and with the design criteria of the district's preservation plan. Waukesha's historic district preservation plans do not include specific design criteria, so the Landmarks Commission also bases its decisions on the Secretary of the Interior's Standards for Rehabilitation of Historic Properties. A copy of the standards is attached to this agenda item, and the relevant standards are listed in the Summary sheet which was provided to the Landmarks Commission, also attached.

The Landmarks Commission denied the application because the size and style of the new windows is different from the old ones, and the vinyl material is very different from the wood and is rarely considered to be acceptable for historic properties. In their denial they noted that they would look forward to receiving an application they can approve, and that the applicant will be eligible for a Paint and Repair Grant to assist with the cost of repairs when that happens. Staff also noted that the city would be willing to work with the applicants to come up with a reasonable timeline for replacing the windows.



The applicants have a building permit open for interior remodeling work. The permit application shows the windows in the new configuration and does not note that they have been changed, but the Chief Building Inspector noted that they would need to provide calculations for any modifications to load bearing walls. The permit has been put on hold until the window issue is resolved one way or another.

Options & Alternatives: The ordinance permits the Council to reverse or affirm wholly or partly or modify the decision of the Landmarks Commission. The Council must consider the same factors that apply to Landmarks Commission decisions, and in this case specifically Factor 3.

Financial Remarks: This appeal will have no financial impact on the city.

Staff Recommendation: In order to maintain consistency with the Landmarks Commission's decision-making process, staff recommends that the Council base its decision on Section 28.05(3)(b), Factor 3 of City Ordinances and on Standard #2, #3, and #6 of the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties.