



November 11<sup>th</sup>, 2019

Morgan Gutenkunst  
West End Investment LLC  
233 N. Charles St.  
Waukesha, WI 53186

**Re: Landmarks Commission Certificate of Appropriateness –233 N. Charles St.**

Dear Property Owners,

At the November 6<sup>th</sup> meeting the Landmarks Commission denied a Certificate of Appropriateness for your application to replace several first story windows at 233 N. Charles St. When the Landmarks Commission denies an application, we are required to send you notice and an explanation of their reasons for denial.

In order to determine the appropriateness of exterior work on designated historic properties Section 28.05(3)(b)(3) of the city code requires the Landmarks Commission to consider the following:

In the case of any property located in a historic district, whether the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for the said district.

For the McCall Street Historic District, the Landmarks Commission uses the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties as its design criteria. Three of the ten Standards were relevant in this case. The relevant standards are:

2. The historic character of a property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property will be avoided.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features will be substantiated by documentary, physical, or pictorial evidence.

The Landmarks Commission determined that the proposed replacement windows do not meet these standards. Specifically, they noted that the new windows do not match the old in design, color, texture, or other visual qualities. They noted that the size and style of the new windows are different from the old, and that the vinyl material is very different from the wood and is rarely considered to be acceptable for historic properties.

Since the work on your house has already been completed, you will need to restore the windows to a condition that meets the Secretary of the Interior's Standards. The City understands that you may not be able to do the work right away, and we can work to find a timeline that is feasible for you as long as you can come up with a reasonable timeline and make a good faith effort to get the work done. Please contact me by no later than December 11<sup>th</sup>, 2019 to discuss your options.

In cases where the Landmarks Commission denies a Certificate of Appropriateness, the applicant is eligible to appeal the decision to the Common Council. The Council must apply the same standards as the Landmarks Commission, and it can affirm, overturn, or modify the Commission's decision. If you would like to file an appeal, please notify the City Clerk's office by no later than December 11, 2019.

Feel free to contact me with any questions you have. Your cooperation and promptness will be appreciated.

Sincerely,

Charlie Griffith  
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