



MANITOU SPRINGS
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING MINUTES
Wednesday, September 4, 2013, 7:00 P.M.

I. CALL TO ORDER

A Regular Meeting of the Manitou Springs Historic Preservation Commission was held on Wednesday, September 4, 2013 in Council Chambers at 606 Manitou Avenue. Chairperson Wright called the meeting to order at 7:03 p.m. The following were in attendance:

PRESENT: Commissioner ANN NICHOLS
Commissioner ANNE HYDE
Commissioner MOLLY WINGATE
Commissioner HILLARY MANNION
Commissioner CYLINDA WALKER
Chairperson TAMMILA WRIGHT
Commissioner NEALE MINCH

ABSENT: None

STAFF: Dan Folke, Planning Director
Sherri Crowley, Planning Technician

II. APPROVAL OF MINUTES

ITEM 1. August 7, 2013

The August Minutes were not available for review.

III. NOTICE OF COUNCIL ACTION

There was no Council action to report. Mr. Folke introduced the new Planning Technician, Sherri Crowley, to the Commission

IV. UNFINISHED BUSINESS

There was no unfinished business to report.

Chairperson Wright explained the public hearing procedures to the audience and asked if any of the Commissioners had ex parte communications or conflicts of interest to declare. Hearing none, the meeting continued.

V. NEW BUSINESS

ITEM 2. MCAC 1310 – Material Change of Appearance Certification (Replace Windows) – 14 Spencer Avenue – Paula Miller, Applicant.

Planning Director Dan Folke reviewed the staff report dated August 30, 2013

Commissioner Nichols asked Staff if the installation was in process and then stopped. Mr. Folke explained the Code Enforcement Officer saw the windows being installed and determined there was no use tax paid and stopped the work. Mr. Folke indicated he spoke directly with the contractor on site and explained not only did the contractor need to pay use tax but also the windows needed to be consistent with the design guidelines. The installation was stopped and only one window in the back was replaced that day.

Commissioner Wingate asked if, over the last two years, had the deteriorating, original windows been repaired or treated at all to ameliorate their problems. Staff was not aware of any work on the existing windows.

Commissioner Minch remarked his observation revealed that most of the houses in the area seemed to have divided light windows, but there were a couple of houses that didn't and he wasn't sure if that was how they were originally designed or if they'd been replaced at some point. Mr. Folke mentioned this was one of the challenges in the Historic District - people would look at what their neighbor's had done and feel like would not be fair if they couldn't be the same. There was a time when people had the option of opting out of the historic district, which removed them from design review. So some homes have had new windows put in that were different styles and materials that didn't require design review and some happened without review, i.e., weekend projects. With the opt-out clause, once that original owner sells the property it is subject to design review. The Planning Department updates the opt-out list every year and this is not a property that was ever opted out.

Commissioner Nichols asked Mr. Folke if he would consider this an "after the fact" review. Mr. Folke stated that was an accurate description.

Chairperson Wright invited Ms. Miller to address the Commission.

Paula Miller, 9830 Mesa Rd, Cascade, CO, stated she purchased this property as a rental sometime around 1980. She remarked she never got a letter regarding opting out of the historical district, so felt that was an issue. Ms. Miller stated she did not understand what was meant by "after the fact". Commissioner Nichols explained that was when the Commission was reviewing work that had already been started or accomplished without taking out the required permits - that was what was called "after the fact". Ms. Nichols said she wanted that background because the Commission tended to treat those situations a little differently.

Ms. Miller continued that if things had gone as she had planned the windows would have all been done on that particular day. She explained that after bad floods several years ago, she had invested over \$20,000 in the property and listed several improvements made to the property in order to describe how she had taken care of the property for the sake of the tenants. Ms. Miller noted only one family had lived in the house for the past twelve years and the tenant had wanted to attend the meeting so she could explain that she had a new baby who slept under one of the original windows. Ms. Miller remarked that she had looked around the neighborhood and saw several examples of vinyl windows. She points to photos in the packet that illustrating this. Ms. Miller informed the Commission the application was delayed because of having to care for her elderly parents who live in New York. Ms. Miller requested approval, noting that she wasn't even aware there was an historical district and that she had done everything she could twenty or thirty years in terms of ownership of the property and had no idea she needed to get a permit for replacing the windows. Ms. Miller stated she could not conceive of, in this day and age, not allowing window replacements in every home where people want them. She stated she understood she had to go through the Commission process, but would appeal to City Council if she had to. Ms. Miller pointed out other instances of window changes and cited approval of the modern lofts on Manitou Avenue. She stated her property was not one of the beautiful historic houses, but was built in 1940. Ms. Miller indicated she respected the area and the property, but could not understand why there would be any kind of problem with what she was proposing to do. Ms. Miller related some email communications she had with Ms. Anthony from the Planning Department regarding a complaint about the condition of the windows. Ms. Miller stated she understood the issue about the design of the upper part of the window and had spoken with her contractor about this. She offered to have a grille made for the outside of the window that would replicate the divided upper sash.

Ms. Miller continued speaking about paying taxes and ridiculous rules. She mentioned the condition of Charles Rockey's building at 10 Canon Avenue.

Commissioner Wingate stated Mr. Rockey's building was not applicable to Ms. Miller's request. Ms. Miller wanted to know if code enforcement would do anything about the problems on the main street of Manitou.

Commissioner Wingate suggested Ms. Miller attend HPC meetings and become familiar with what goes on because the people on the Commission have worked very hard to make sure Manitou stays historic.

Commissioner Mannion asked Ms. Miller if the windows were coming apart when she submitted the proposal and if she had done anything to ameliorate this situation. Commissioner Mannion noted demolition by neglect was one of her concerns and, although she didn't doubt the applicant took pride in her property, leaving a window in the current condition for two years didn't support the applicant's contention regarding taking care of her tenants. Ms. Mannion stated she understood the applicant didn't particularly care for Manitou's guidelines and didn't understand them, but did she understand the Commission was a quasi-judicial board and couldn't do anything but what is in the regulations? Ms. Mannion asserted that there was no waiver process.

Chairperson Wright opened the meeting for public comment. Hearing none, the public hearing was closed.

Commissioner Wingate noted had this not been after the fact, the Commission would have found original windows in fundamentally good repair so the conversation would have been different. It didn't sound like the applicant had done any footwork about restoring the windows or regarding what else could be done to actually improve the energy efficiency of the property. Under different circumstances, Commissioner Mannion remarked she would have no compunction to direct someone to find out what could be done for the same amount of money. The windows are the eyes of a historic building and Commissioner Mannion stated she thought the Commission had been consistent in trying to keep the original design when considering replacement windows. The 1/1 proposed did not maintain the look of the historic 3/1 windows.

Commissioner Nichols stated the request was after-the-fact - the money had been spent – and the applicant had offered to put in grills so the appearance would be consistent with the original windows. Commissioner Nichols offered that, subject to staff verification, the Commission should, reluctantly, approve the replacement windows with the condition that they are to be customized with exterior grills to match the original windows. Commissioner Nichols's stated she thought this was consistent with a number of instances she could recall that the Commission had dealt with.

Commissioner Walker agreed with Commissioner Nichols that the situation should be treated as “after the fact”.

Commissioner Nichols stated she felt people act in good faith, however there is an issue and the Commission needed to make people aware of the fact that the City does have a historic district.

Commissioner Minch stated he did not think \$2000 would be enough of a budget to do 14 windows.

Chairwoman Wright expressed her concern regarding setting a precedence if approved.

The Commission further discussed the windows and that they were custom and therefore not returnable.

MOTION:

Commissioner Nichols moved to approve MCAC 1310 allowing the vinyl windows that had already been purchased to replace the historic wood windows with the condition that all the windows visible from the public rights-of-way be customized with exterior grille work, as approved by the Planning Staff, to match the design and shadow lines in the upper sash of the existing historic windows.

Commissioner Nichols further found the historic appearance of the house would not be destroyed by the after-the-fact replacement of the windows and that each proposal was considered on its own merits and did not set a precedent for future projects.

SECOND:

Commissioner Minch seconded the motion.

DISCUSSION:

There was no further discussion regarding the motion.

VOTE:

Motions passed, 5-2 (Commissioners Wingate and Wright cast the negative votes).

VI. OTHER BUSINESS

ITEM 3. Revisions to Criteria for Maintenance Mini-Grant.

Mr. Folke reviewed the revisions as outlined by Planner Michelle Anthony. Discussion ensued and the Commission agreed to the changes with some minor, nonsubstantive changes to the wording.

MOTION:

Commissioner Wingate moved to approve the changes to the maintenance mini-grant program to allow all residential rental properties and Commercial properties impacted by the flooding to be eligible.

SECOND:

Commissioner Wright seconded the motion.

DISCUSSION:

There was no further discussion regarding the motion.

VOTE:

Motion passed, 7-0.

VII. ADJOURNMENT

There being no further business before the Commission, Chairperson Wright adjourned the meeting at 8:00 p.m.

Minutes submitted by Sherri Crowley, Planning Technician