



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: February 2, 2026

REQUESTER: Fred Buxton, Attorney representing property owner Kevin Easley

PRESENTER: Anais Starr, Planner II/Historic Preservation Officer

ITEM TITLE: (HD 25-38) CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE CERTIFICATE OF APPROPRIATENESS REQUEST FOR THE PROPERTY LOCATED AT 549 S LAHOMA AVENUE FOR THE FOLLOWING MODIFICATION: A) REINSTALLATION OF TWO WOOD WINDOWS ON THE NORTH SIDE OF THE PRINCIPAL STRUCTURE. (*This item was postponed from the January 5, 2026, meeting.*)

Background

Historical Information

2004 Chautauqua Historic District National Registry Nomination Survey states:

549 S Lahoma Ave. *Ca. 1924. Bungalow/Craftsman. This contributing, one-story, weatherboard single dwelling has an asphalt-covered, cross-gabled roof and a concrete foundation. The wood windows are one-over-one hung and the wood door is slab with a glazed slab storm. The partial porch is sheltered by an off-set, front-gabled roof supported by short wood piers on stucco columns. Decorative details include triangular knee braces, exposed rafters, double and triple windows, and open stickwork in the gable ends.*

History of Legal Proceedings

Kevin Easley, Kevin Easley, Jr., and Kilmyn Graf purchased 549 South Lahoma from David and Christina Sooter on June 10, 2011. Shortly thereafter, the new owners replaced five (5) wood windows with modern gas-filled windows without obtaining a certificate of appropriateness.¹ A post replacement certificate of appropriateness was granted for three

¹ Window No. 6 is an upstairs bedroom window that was not a part of the original structure, not wooden, and was not large enough to comply with the Fire Code adopted by the City. Its replacement was approved by administrative bypass, but the property owner had not replaced it when he submitted his initial application for a certificate of appropriateness.

(3) of these windows by administrative bypass – i.e., Window Nos. 2, 3, and 6 were not part of the original structure, were not wooden, and were replaced “like with like.” The Historic District Commission denied a certificate of appropriateness for the remaining windows – i.e., Window Nos. 1, 4, and 5. See Figure 1.

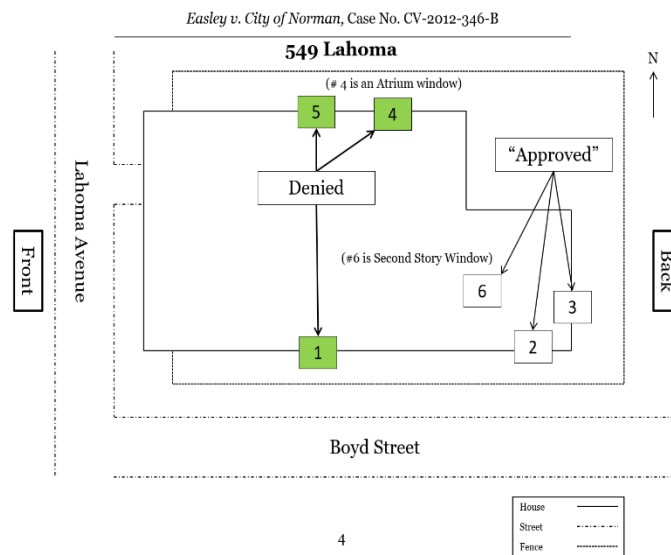


Figure 1

- Window No. 1 was a pair of one-over-one wood windows. These windows were replaced with one large gas-filled picture window.
- Window No. 4 was a pair of one-over-one wood windows. These windows were replaced with a gas-filled projecting atrium window.
- Window No. 5 was a single-pane wood window. This window was replaced with a one-over-one, gas-filled window.

Whether the property owner is entitled to a certificate of appropriateness that would allow Window Nos. 1, 4, and 5 to remain “as is” has been the subject of the following proceedings:

A. Historic District Commission

1. November 7, 2011 (Original COA request)
2. July 15, 2021 (second COA request – Window No. 1)

B. City Council

On October 4, 2021, the HDC granted the property owner a certificate of appropriateness that authorized restoring Window No. 1 to a pair of one-over-one wood windows. Window No. 1 is no longer at issue.

3. January 10, 2012 (appeal of November 7, 2011, HDC decision)
- C. Board of Adjustment
4. December 4, 2019 (appeal of January 10, 2012, Council decision)
 5. July 27, 2022 (appeal of July 15, 2021, HDC decision)
- D. Cleveland County District Court
6. March 28, 2012 – *Easley v. City of Norman*, Case No. CV-2012-346 TS (appeal of January 10, 2012, Council decision)
 7. January 3, 2020 – *Easley v. City of Norman*, Case No. CV-2012-346 MT (appeal of December 4, 2019, BOA decision)
 8. August 4, 2022 – *Easley v. City of Norman*, Case No. CV-2022-2830 MT (appeal of July 27, 2022, BOA decision)
- E. Oklahoma Court of Civil Appeals
9. February 27, 2017 – *Easley v. City of Norman*, Case No. DF-115,811 *cert. denied* (first appeal of CV-2012-346)
 10. July 15, 2021 – *Easley v. City of Norman*, Case NO. SD-119,536 *cert denied* (second appeal of CV-2012-346)
 11. August 10, 2023 – *Easley v. City of Norman*, Case No. SD-121,511 *cert. denied* (appeal of CV-2022-2830)

In each of these proceedings, the City argued that the property owner is not entitled to a certificate of appropriateness that would allow Window Nos. 4 and 5 to remain “as is” and the property owner argued that he is entitled to such a certificate. In each of these proceedings, the City prevailed.

The final district court decision regarding Window Nos. 4 and 5 provides as follows:

2. The doctrine of claim preclusion bars petitioner from relitigating whether Window Nos. 4 and 5 should remain as is. Petitioner is estopped from raising the issues raised by the doctrine of claim preclusion. Said issues were or could have been litigated by Petitioner in actions that are final;
3. Petitioner is not entitled to a variance because he cannot establish all of the essential elements established by statute. The record in this case does not establish a valid basis for a variance from or exception to the City's Historic District Ordinance because the hardship to Petitioner, if any, was created by Petitioner.

Moreover, Window Nos. 4 and 5 do not constitute a particular hardship; and

4. The City is entitled to injunctive relief under 11 O.S. § 43-107. The Court permanently enjoins Petitioner from maintaining 549 South Lahoma in violation of Chapter 22, Section 429.3(3)(b) of the City's Ordinances. Further, the Court enters a mandatory injunction requiring Petitioner to correct or abate the violations of Chapter 22, Section 429.3(3)(b) of the City's Ordinances that currently exist at 549 South Lahoma.²

July 11, 2023, Journal Entry in *Easley v. City of Norman*, Case No. CV-2022-2830 MT at 1-2. Judge Tupper's ruling was affirmed by the Oklahoma Court of Civil Appeals in its January 30, 2024 Opinion on Rehearing. See January 30, 2024, Opinion on Rehearing in *Easley v. City of Norman*, Case No. 121,511. The Oklahoma Supreme Court declined Mr. Easley's request for further review, and thus Judge Tupper's July 11, 2023, rulings are final.

The only remaining issue before the HDC is whether the current proposal corrects or abates the violations identified by Judge Tupper. The pending Application for a Certificate of Appropriateness describes the proposed work as "replace two non-conforming windows with historical windows." Although the term "historical windows" is not defined, City staff has no objection if the proposal restores Window No. 4 to two one-over-one wood windows and Window No. 5 to a wood window. If the proposal differs from this restoration or otherwise leaves the windows "as is," the City reserves the right to respond upon disclosure of any alternative proposal.

Sanborn Insurance Map Information

The 1925 and 1944 Sanborn Insurance Maps show the principal structure in the current location without a rear addition.

² Section 429.3(3)(b) states as follows:

3. District Regulations. The following regulations shall be applicable to the HD, Historic District, and shall control the use of all properties within such district:

* * *

- (b) The erection, moving, demolition, removal, rehabilitation, reconstruction, restoration, or alteration of the exterior of any structure is prohibited unless a Certificate of Appropriateness (COA) is granted by the Historic Commission of the City of Norman, unless such Certificate is not required by Subsection 8.

Subsection 8 governs demolitions. Section 429.3(3)(b) has been renumbered to § 36-535(c)(2).

Previous COA Requests

November 7, 2011 – A Certificate of Appropriateness (COA) was denied for the *ex post facto* replacement of three windows:

- Large picture window—replaced a pair of original, 1-over-1 wood (i.e. one pane of glass over one pane of glass) windows on the south side of the house.
- Projecting atrium window—replaced a pair of original, 1-over-1 wood windows on the north side of the house.
- Single, clad 1-over-1 window—replaced a single, original 1-over-1 wood window on the north side of the house.

December 3, 2011 – An appeal of the Historic District Commission denial decision was rejected by the City Council. The property owner filed an appeal through the civil court system.

September 21, 2021 – A COA by Administrative Bypass for the replacement of wood sash for ten one-over-one wood windows.

October 4, 2021 – A COA was issued for the reinstallation of a pair of wood windows on the south side of the structure.

December 1, 2021 – Property owner filed an appeal of the October 4, 2021, Historic District Commission's decision for the reinstallation of a pair of wood windows on the south side of the structure. The Board of Adjustment denied the appeal. The applicant sought relief in the civil court system.

January 5, 2026 – The applicant attorney requested a postponement of the COA request to the February 5, 2026, Historic District Commission meeting.

REQUEST

a) Reinstallation of two wood windows on the north side of the principal structure.

Project Description:

The property owner sought relief in civil court in 2011 from the denial of a Certificate of Appropriateness request for the replacement of windows without a COA. The civil court process concluded in 2021. The applicant then requested a COA for the reinstallation of a pair of wood windows in place of a metal picture window installed on the south side of the principal structure. The Historic District Commission approved this COA request on October 4, 2021. The applicant appealed the Commission's decision to the Board of Adjustment, which denied the appeal. The applicant filed an appeal in the civil court system for the windows on the north side of the structure. The civil court process concluded earlier in 2025. The applicant submitted a COA request for the January 5, 2026, Historic District Commission meeting to replace the two non-compliant windows on the north elevation of the structure. The applicant's attorney requested to postpone the request to the February 2, 2026, Historic District Commission meeting.

The COA request before the Commission at the February 2, 2026, Historic District Commission meeting is for the reinstallation of two wood windows on the north elevation of the principal structure. The request is specifically for the reinstallation of a pair of one-over-one wood windows in place of the existing non-compliant metal atrium window, and for the reinstallation of a single one-over-one wood window in place of the existing non-compliant metal window. Both windows are located on the back portion of the north elevation of the structure. The applicant has submitted a floor plan indicating the windows to be replaced, along with pictures of the existing windows. The applicant has also submitted a drawing and a specification sheet illustrating the design of the proposed windows. The applicant intends to hire Restor Wood Windows, a local contractor, to custom-build and install the one-over-one wood windows. The applicant did not provide a drawing to illustrate the north elevation with the proposed windows.

Reference - Historic District Ordinance

36-535.a.2.g: Purpose. *To safeguard the heritage of the City by preserving and regulating historic district structures in such a way that maintains or restores their historic integrity while allowing modern-day uses and conveniences for their residents.*

Preservation Guidelines

3.12 Guidelines for Windows

A review by the Historic District Commission will use the following criteria for the issuance of a Certificate of Appropriateness (COA):

.1 Retain Original Windows. *Retain and preserve original windows, including glass, frames, sash, muntins, sills, heads, moldings, surrounds, and hardware.*

.7 Window Replacement. *An original window that is deteriorated more than 50% and is not repairable may be replaced in-kind if it meets the following:*

a. Shall have a wood exterior, unless replacing a metal casement window.

b. Light patterns same as the original.

c. Size and dimension the same as the original.

d. Double-pane simulated divided lights with wood muntins on the exterior and interior, and a shadow bar between the panes may be allowed for windows on the side or rear that are not visible from the street.

.9 Preserve Original Openings. *Do not create new openings in the front or side façades of historic structures. Do not enlarge or diminish existing openings to fit stock window sizes. If new openings are necessary to meet code requirements, they shall be compatible with historic windows for that structure in proportion, shape, location, pattern, size, materials, and details.*

.10 Materials. *Wood is allowable for in-kind replacement of windows. Aluminum-clad and metal windows can be considered for the replacement of metal casement windows that are deteriorated on a case-by-case basis. Fiberglass and aluminum-clad windows can be considered on non-contributing resources and on rear elevations not visible from the front right-of-way. Vinyl-clad windows are prohibited for both contributing and non-contributing structures in the historic districts.*

Issues and Considerations

The applicant is requesting the replacement of two windows installed in 2011. He proposes replacing the existing metal windows with one-over-one wood windows, thereby restoring them to their original state. The proposed windows will have the same design, size, and material as the existing windows found in the remainder of the structure.

The window framing is proposed to be the same as the rest of the structure's window openings. However, an illustration of the north elevation of the principal structure showing the proposed windows was not submitted.

The proposed one-over-one wood windows are typical and commonly found in historic homes of this era. The windows will match the material and configuration of this historic structure. The proposed reinstallation of wood one-over-one windows meets the *Preservation Guidelines for Windows*.

The Commission needs to determine whether the proposed reinstallation of two wood windows on the north side of the principal structure meets the *Preservation Guidelines* and is compatible with this historic contributing structure and the Chautauqua Historic District.

Commission Action: (HD 25-38) Consideration of approval, rejection, amendment, and/or postponement of a Certificate of Appropriateness request for the property located at 549 S. Lahoma Avenue for the following modification: a) reinstallation of two wood windows on the north side of the principal structure.