

Property Location 607-609 S Lahoma Ave
Chautauqua Historic District

Owner Mary Beth Smith

Request HD (23-07) Consideration of Certificate of
Appropriateness request located at 607-609 S Lahoma
Avenue for the following proposed work:
 a. Replacement of original wood windows with
 vinyl windows.

Property History

Historical Information

2004 Chautauqua Historic District Nomination Survey Information:

607-609 S Lahoma Avenue. *Ca. 1930. Tudor Revival. This contributing, one-and-one-half story, brick duplex has a steeply-pitched, asphalt-covered, side-gabled roof and a brick foundation. The wood windows are six-over-one hung with metal storms. The wood doors are glazed paneled with metal storms. The partial porches are uncovered with wrought iron railings. The porches flank a steeply-pitched, intersecting, front-gabled vestibule. Other exterior features include two red brick exterior chimneys and shed-roofed side entries with wood glazed paneled doors. Decorative details include minimal eave overhang, double windows and lattice windows.*

Attached are the 1988 Historic Survey sheets for the Commission's reference.

Sanborn Insurance Maps

The 1944 Sanborn Map indicates a duplex dwelling in the same configuration and placement found today.

Previous Actions

There have not been any Certificate of Appropriateness requests made for this structure since the property was established as part of the Chautauqua Historic District.

Project Description

The applicant is seeking approval for the replacement of twenty-two (22) original wood windows with vinyl replacement windows. The applicant replaced the windows without receiving a Certificate of Appropriateness. She is now requesting *ex post facto* a Certificate of Appropriateness. The applicant has submitted the invoice for the vinyl windows which is attached to this report.

Request – a. Replacement of original wood windows with vinyl windows alternative.

Reference - Historic District Ordinance

429.3.1(g): *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. (0-0910-12).*

Reference - Preservation Guidelines Windows

3.11 Standards for Administrative Bypass

The following items can receive a Certificate of Appropriateness (COA) through the Administrative Bypass process if they meet the criteria listed below. If they do not meet the criteria, the application will be forwarded to the Historic District Commission for a full review.

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

- a. Replace original windows in-kind, meaning match the original in material and finish.*
- b. Muntin width and profile are same as the original in width and profile.*
- c. Light pattern is the same as the original.*
- d. True divided lights (panes) are the same as the original glass thickness.*
- e. Size and dimension of all window components are the same as the original.*
- f. Replacement of less than 50% of the windows on a given elevation.*

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.*

.2 Retain Historic Glass. *Retain original glass in historic windows if at all possible. Leaded glass windows shall be preserved. Bubbles and waves give old glass its distinctive look and add to the historic character of the house.*

.3 Glass Replacement. *Individual panes of historic glass that have been broken or cracked, may be replaced with modern-day clear glass. Salvaged historic glass or reproduction historic "wavy" glass is also acceptable replacement where historic glass was present.*

.4 Glass Variations.

- a. Privacy glass may only be located in the rear or on the side of the structure, where not visible from the front. Smoked or tinted glass is not appropriate for use in historic structures.*
- b. Beveled glass in doors and windows is allowed as long as it is compatible with style of the historic building and the original configuration of window panes remains.*
- c. Colored glass may be used in transoms and sidelights if supported by historical documentation or compatible with the architectural style.*

.5 Replace Only Deteriorated Features. *If replacement of a deteriorated window or door feature or details is necessary, replace only the deteriorated feature in-kind rather than the entire unit. Broken sash cords, for example, can be repaired and do not necessitate replacing an entire window. Match the original in design, dimension, placement, and material.*

.6 Sash Replacement. *Replacement sash, often referred to as sash replacement kits, are acceptable for use in historic structures. However, replacement window sash shall be unclad wood, with single-pane thickness, true divided light patterns that match the historic muntin pattern and profile of the house.*

.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.*

.8 Retain Original Metal Windows. *Replace original metal casement windows only as a last resort after weatherization measures have proven unsuccessful.*

.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.*

.7 Substitute Materials. *Cement fiberboard (e.g. Hardiplank® siding) will be considered on a case-by-case basis. Exterior insulating and finish systems (EIFS) will not be considered for use in historic structures.*

.9 Defining Features. *Retain corner boards and window trim as they are character-defining features on houses with wood siding or replaced with historic accuracy.*

Staff Comments

Staff received a phone call from a concerned resident in the Chautauqua Historic District explaining that the structure located at 607-609 S Lahoma Avenue had replaced all of the windows in the structure with vinyl windows. Staff immediately visited the property and observed that indeed all of the original wood windows except for three of the windows on the front façade had been replaced with vinyl windows.

The property owner, Mary Beth Smith, was sent a letter on October 12, 2022, informing her that the replacement of windows without an approved Certificate of Appropriateness is in violation of the Historic District Ordinance. She is now making application for a Certificate of Appropriateness for the replacement of twenty-two (22) original wood windows with vinyl replacement windows.

As indicated, this is an *ex post facto* review of window replacement; the Historic District Ordinance requires the Commission to review the case as if the work has not occurred. Staff would note that this house is a contributing structure to the Chautauqua Historic District.

Pictures obtained from the 1988 Norman Historic Reconnaissance Survey, the listing from a real estate website, and views of the house from the Google Earth website all show wood windows throughout the house prior to the installation of vinyl windows. The window pane configuration was six-over-one. The windows appear to be in repairable condition.

The *Preservation Guidelines* clearly state in Sections 3.12.1, 3.12.5, and 3.12.7 the requirement to preserve original wood windows.

The Commission has consistently required the preservation of original wood windows since the establishment of the both the Chautauqua and Miller Historic Districts in 1995 and 1997 respectively. There have been three cases of note reviewed by the Historic District Commission in the past decade regarding replacement of original wood windows:

327 Alameda Avenue

This case was an *ex post facto* request for the replacement of the all original wood windows in entire house with vinyl windows. Request for replacement of the original wood windows was denied by the Historic District Commission. The applicant appealed the denial to City Council which upheld the Commission's decision. However, the applicant was allowed three years to install wood windows. Wood windows were reinstalled by the end of the three year deadline.

321 Duffy Street

This case was an *ex post facto* request for the replacement of some of the original wood windows with vinyl windows. The request for replacement of the original wood windows was denied by the Historic District Commission. The applicant appealed to City Council, however, the applicant withdrew the appeal and re-installed wood windows.

549 S Lahoma Avenue

This case was an *ex post facto* request for the replacement of some of the original wood windows with vinyl windows. The request for replacement of the original wood windows was denied by the Historic District Commission. The applicant appealed the denial to City Council which upheld the Commission's decision. The applicant filed suit in Cleveland

County District Court and court proceedings have been ongoing since. As of the writing of this report, the case has been reversed and remanded back to District Court and further litigation is still pending. However, two of the windows in violation received an approved Certificate of Appropriateness and have been replaced with custom wood windows.

It should be noted that as part of the Certified Local Government Grant Projects over the last two years, letters and postcards have been mailed at least four times to every property owner in Norman's three Historic Districts reminding them that their property is located in a Historic District and that there are additional regulations to follow.

The Preservation Guidelines prohibit the use of vinyl replacement windows. Staff would note that use of vinyl windows has never been approved by the Commission.

The *Preservation Guidelines* require replacement windows to have the lite configuration. The vinyl replacement are one-over-one windows, while the original historic wood windows had a six-over-one windows.

The Commission will need to determine if the request to replace twenty-two (22) original wood windows with vinyl windows meets the *Preservation Guidelines* and is compatible with the District as a whole.

Commission Action: HD (23-07) Consideration of Certificate of Appropriateness request located at 607-609 S Lahoma Avenue for the following proposed work:

- a. Replacement of original wood windows with vinyl windows.

The City of Norman Historic District Commission
FOR CERTIFICATE OF APPROPRIATENESS (COA)

Staff Only Use

HD Case #:

Date:

Received by:

Note: Any relevant building permits must be applied for and paid for separately in the Planning and Community Development Office. 405-366-5311

Address of Proposed Work: 607 S. Lahoma Ave Norman, OK 73069

Applicant's Contact Information:

Applicant's Name: Mary Beth Smith

Applicant's Phone Number(s): 918-906-6639

Applicant's E-mail address: BLMBSmith@aol.com

Applicant's Address: 10115 S. Maplewood Ave Tulsa, OK 74137

Applicant's relationship to owner: ☐ Contractor ☐ Engineer ☐ Architect ☒ I am the owner

Owner's Contact Information: (if different than applicant)

Owner's Name: Mary Beth Smith

Owner's Phone Number(s): 918-906-6639

Owner's E-mail: BLMBSmith@aol.com

Project(s) proposed: (List each item of proposed work requested. Work not listed cannot be reviewed.)

1) Replacing the old & damaged windows

2)

3)

4)

Supporting documents such as project descriptions, drawings and pictures are required see checklist page for requirements.

Authorization: I hereby certify that all statements contained within this application, attached documents and transmitted exhibits are true to the best of my knowledge and belief. In the event this proposal is approved and begun, I agree to complete the changes in accordance with the approved plans and to follow all City of Norman regulations for such construction. I authorize the City of Norman to enter the property for the purpose of observing and photographing the project for the presentations and to ensure consistency between the approved proposal and the completed project. I understand that no changes to approved plans are permitted without prior approval from the Historic Preservation Commission or Historic Preservation Officer.

Property Owner's Signature: Mary Beth Smith

Date: 12-5-22

☐ (If applicable): I authorize my representative to speak in matters regarding this application. Any agreement made by my representative regarding this proposal will be binding upon me.

Authorized Representative's Printed Name:

Authorized Representative's Signature:

Date:

January 23,2023

To the Chautauqua Historic District Committee,

My name is MaryBeth Smith. My husband & I own 607/609 S Lahoma Ave in Norman. We rent it out to OU students. We are particular about the students we choose to rent because we care deeply about the house. We bought the house from Brent Swift in 2016 and immediately began making improvements to it—inside and out. We also own 814 W Lindsey, which we bought over ten years ago from David Box. We made significant improvements inside and out to that house as well. Unlike most rental property owners in Norman, we love our houses and we take great pride in caring for them. We drive to Norman from Tulsa often, to maintain the yards and landscape and to make sure everything inside is maintained. We did most of the improvements to the houses ourselves. We enjoy it!

One thing we have not been happy about has been the old wood windows at the duplex, 607/609 S Lahoma. They looked awful on the inside and the outside. Many of them were inoperable and unsafe. Finally, last year with the hail storm, several of the windows got damaged and broken. We got a couple of bids and neither window company would repair the windows. We turned in a claim and our insurance company was only paying a small fraction of the cost to replace the windows but decided we would go ahead and invest and replace all of the windows, even the ones that were not damaged, so they would all look the same. The only exception was the three wood argyle accent windows on the front. We thought the new windows would be a huge improvement to the exterior of the house and it was!! We thought replacing with new and keeping the old accent windows was a good way to improve the house but at the same time, maintain the character of the old house.

Since we don't live in Norman, we were not aware that our duplex had restrictions on what type of windows should be installed. We were looking for windows that would stand up to renters , be affordable, and look great. We did notice that many of the houses on Lahoma have the same type of windows that we had installed. Most of them look much nicer than the peeling, cracking, old wood windows that are still on several houses. Since we got notified and made aware of the restrictions for windows, I read that vinyl are not permitted but aluminum clad, and metal are?? I literally walked right up to houses and was six inches from windows and I could not tell the difference of which are vinyl or aluminum clad. The windows we had installed look like many of the windows on houses in the Chautauqua Historic District. We did not change the dimension of any of the windows. The new windows look clean and neat. Vinyl widows have improved greatly through the years in durability as well as in looks. It is not easy to distinguish one material from the other. We honestly thought we were making a substantial improvement to the duplex. We were shocked to hear otherwise.

As I stated earlier, we take great pride in the houses we own. There are several houses in the Chautauqua Historic District that have wood windows but the house is

an eyesore. The yards are unkept, overgrown shrubs, totally weeded lawns, cracked, peeling, broken window frames, unattractive, cheap storm doors etc. We love Norman. We are quite dissatisfied with the tearing down of old houses to build the cheap mini dorms. We are dissatisfied with the big coffee shop being built next to our house on Lindsey. We tried to fight that. We love the quaint streets around the campus in Norman and are all for the preservation of houses, however requiring wood windows in this day & age is unreasonable and unaffordable. There are now so many alternatives that are attractive , keep with the look of the old wood windows, such as the windows we had installed. We spent \$24,000.00 to have these windows installed. They are great quality windows which have greatly improved the value of the house, greatly improved the look and safety of the house, all the while keeping very closely the original look of the house.

We respectfully ask for the windows we have installed on our house to approved by the committee.

Thank you,

MaryBeth & Lance Smith

918 906 6639



SOONER HOME EXTERIORS
10017 GOODMAN STREET
YUKON, OK 73099 US
soonerhomeexteriors@gmail.com
<http://www.soonerhomeexteriors.com>



Estimate

ADDRESS

Mary Beth Smith

ESTIMATE # 1223

DATE 07/21/2021

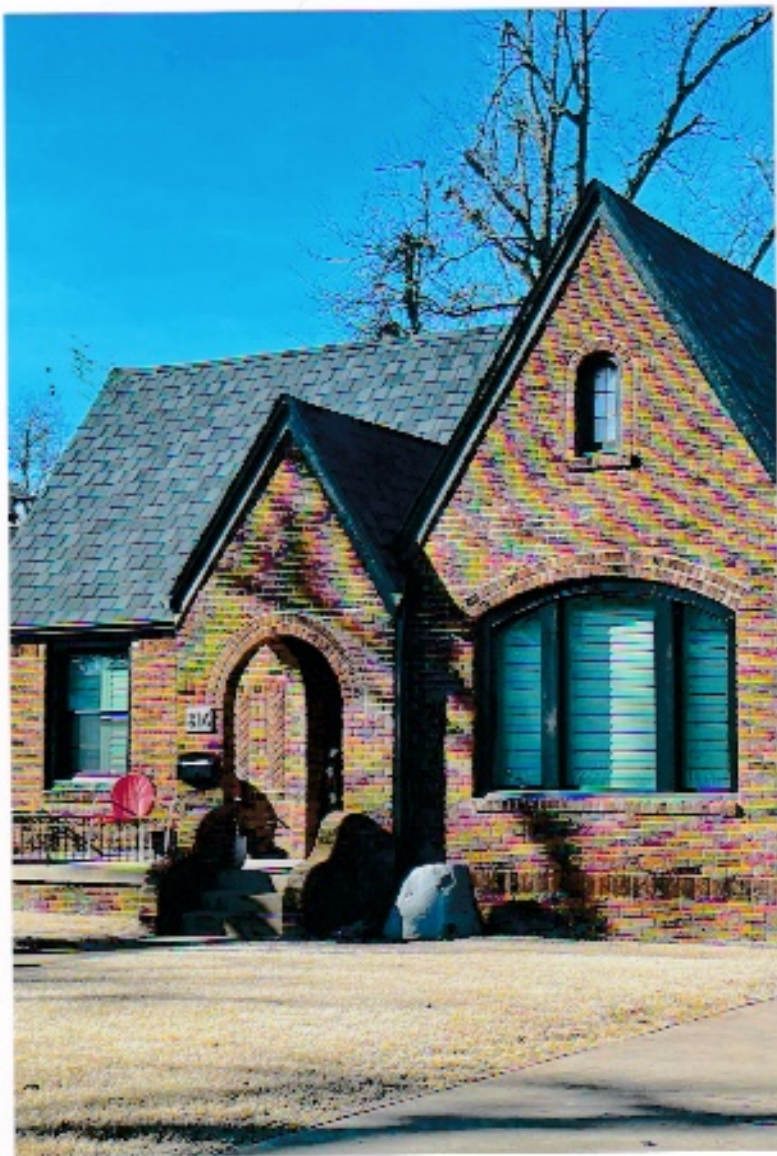
ACTIVITY	QTY	RATE	AMOUNT
windows Legacy premium white vinyl windows with lowE and argon. Lifetime warranty on frame and components, lifetime warranty on glass seal. Remove and replace 20 wood pocket windows with new Legacy vinyl windows.	22	421.75	9,278.50
window wrap Wrap exterior of all windows with white trim coil, caulk exterior with color match caulking	22	100.00	2,200.00
lead safe Lead safe practices on each window	22	100.00	2,200.00
windows Polaris dynaweld premium white vinyl windows with lowE and argon. Lifetime warranty on frame and components, lifetime warranty on glass seal. Remove and replace 20 wood pocket windows with new Legacy vinyl windows.	22	471.65	10,376.30
TOTAL			\$24,054.80

Accepted By

Accepted Date









The City of NORMAN

201 West Gray • P.O. Box 370
Norman, Oklahoma • 73070

HISTORIC DISTRICT COMMISSION
(405) 366-5332

October 12, 2022

Brice Lance & Marybeth Smith
10115 S Maplewood Avenue
Tulsa, OK 74137-7086

RE: Historic District Ordinance violations at 607/609 S. Lahoma Avenue

Dear Property Owner:

According to Cleveland County Tax Assessor records, you are the owner of a house located at 607/609 S. Lahoma in Norman. Your property is located in the Chautauqua Historic District and per the Zoning Ordinance, exterior changes to the property must be reviewed and approved by the Historic District Commission (HDC). This includes the replacement of windows. It was brought to my attention that windows at this address have recently been replaced.

Upon inspection from the street and the alley, it appears that all the windows of the house, except for three on the front of the structure, have been replaced. The Historic District Ordinance requires the HDC to review and issue a Certificate of Appropriateness (COA) for window replacements before installation. Without a Certificate of Appropriateness issued by the Commission, you are in violation of the Historic Preservation Ordinance contained within the Zoning Ordinance.

At this point, you have two options to comply with the Ordinance:

- ☐ Option A : Make a COA application to the Historic District Commission requesting to remove the original historic windows and replace with identical windows to the original —a six-over-one true divided light solid wood window.
- ☐ Option B: Make a COA application to the Historic District Commission requesting window replacement with the recently installed windows.

Please be advised that either request option will be reviewed as a new application despite the fact that the work has already taken place.

Enclosed please find the applicable sections from Chapter 22 of the Norman Zoning Ordinance and Sections 3.11 and 3.12 of the Historic Preservation Guidelines of which you are in violation. I also have enclosed a COA application request form.

You have 60 days from the date of this letter to comply with the aforementioned requirements or charges may be filed in Municipal Court for each day the violation

continues to exist and/or the City may pursue any other legal remedy available in order to achieve compliance.

You can find a full copy of the Historic Preservation Guidelines on the City of Norman website at: <https://www.normanok.gov/your-government/departments/planning-and-community-development/planning-and-zoning/historic>

Please be in contact as soon as possible. I may be reached either by phone at 405-366-5392 or by email at anaïs.starr@normanok.gov.

Sincerely,

A handwritten signature in cursive script that reads "Anais Starr".

Anais Starr, AICP
Historic Preservation Officer







Attachments

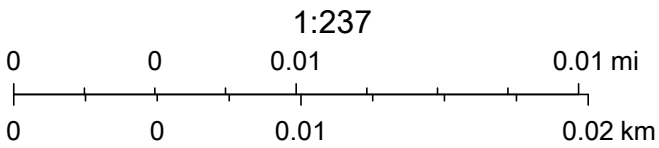
cc: Jeanne Snider, Assistant City Attorney

City of Norman WebMap



2/22/2023, 8:57:44 AM

AerialPhoto2017  Green: Band_2 AerialPhoto2015  Green: Band_2
 Red: Band_1  Blue: Band_3  Red: Band_1  Blue: Band_3



City of Norman, GIS Services Division

W. 15 BOYD

100' wide

12" W. PIPE 602

602

608

614

618

626

630

601

607

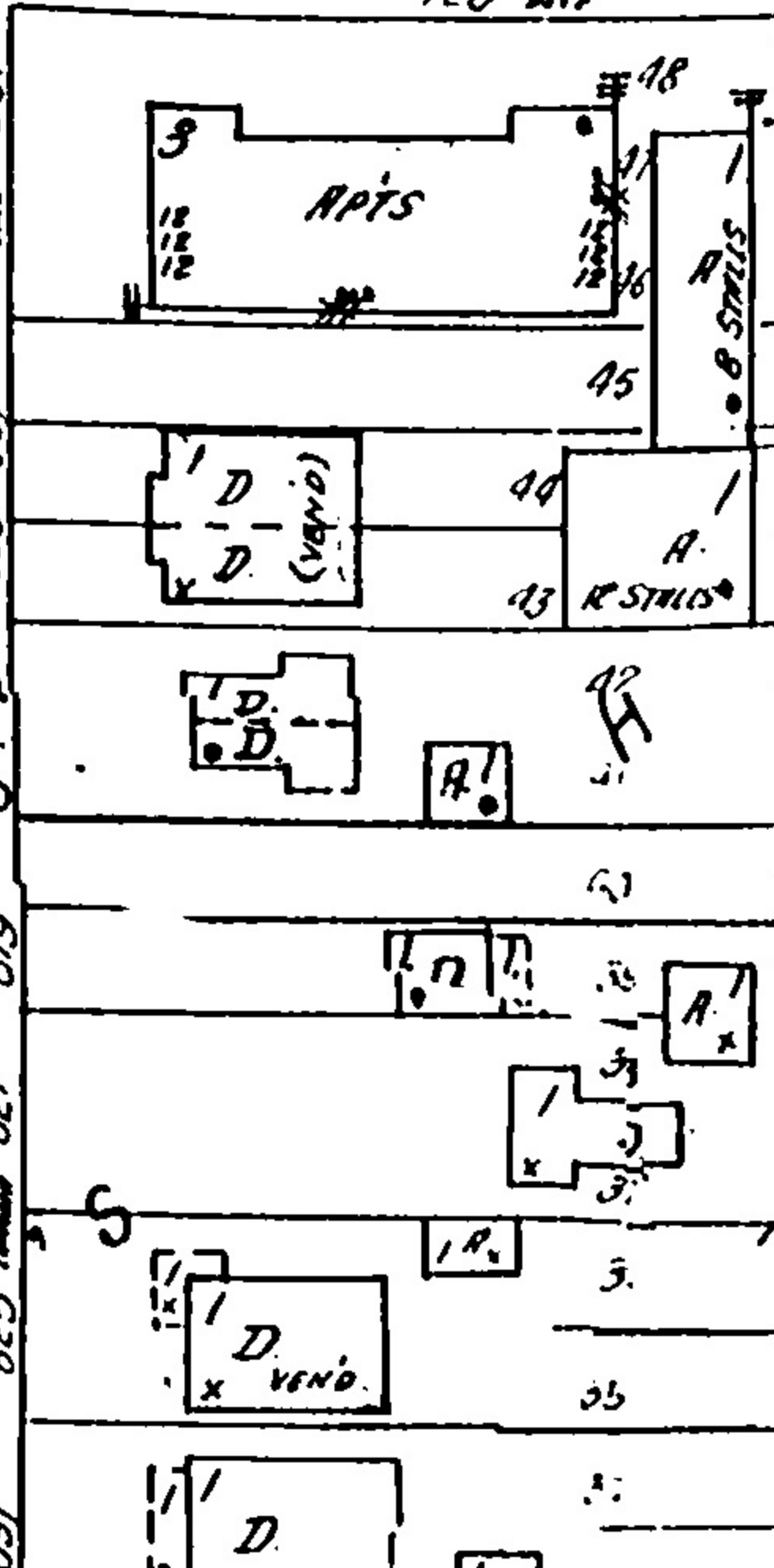
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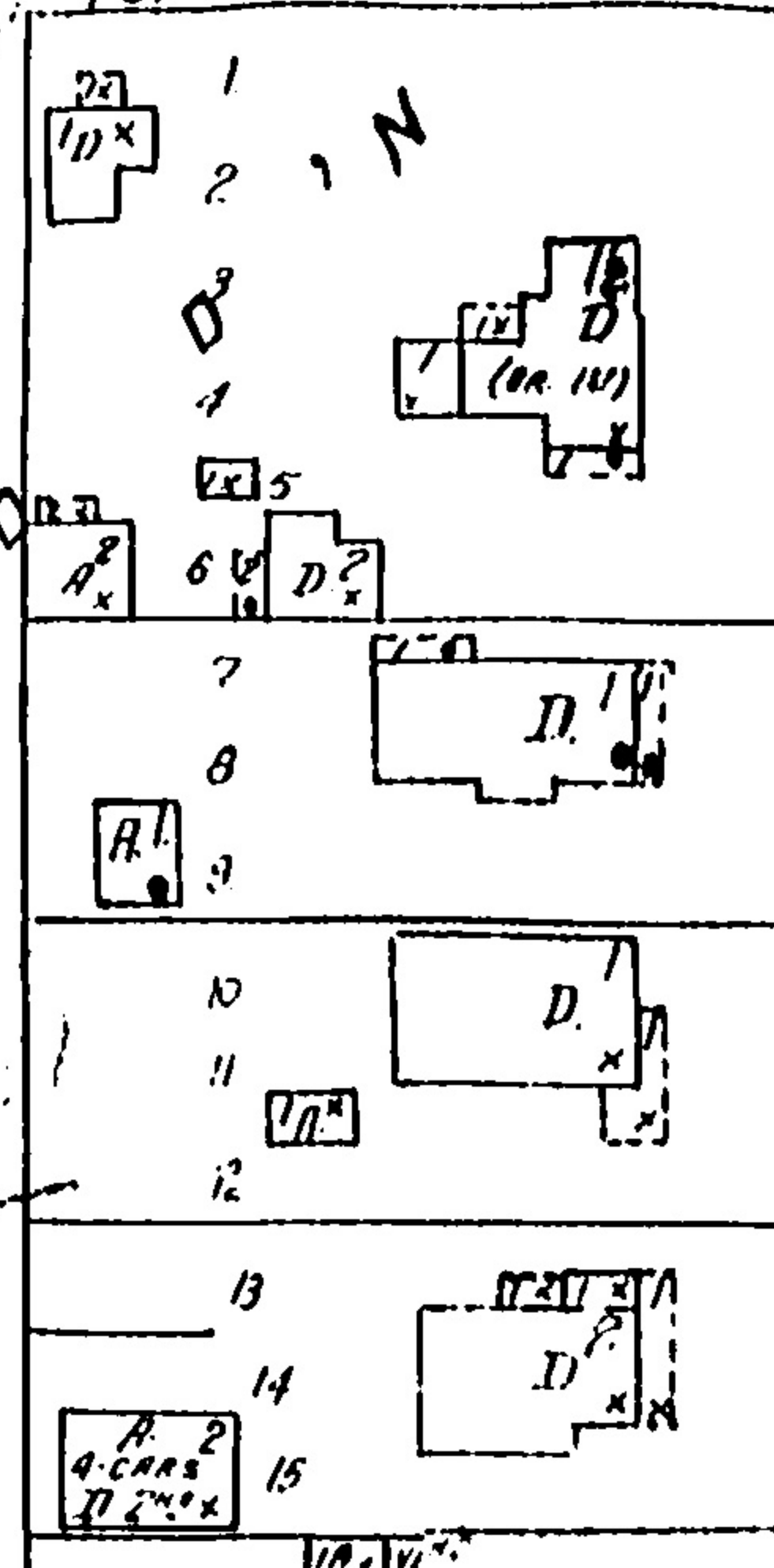
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116.



C.W.P.

6" W. PIPE 602

602

608

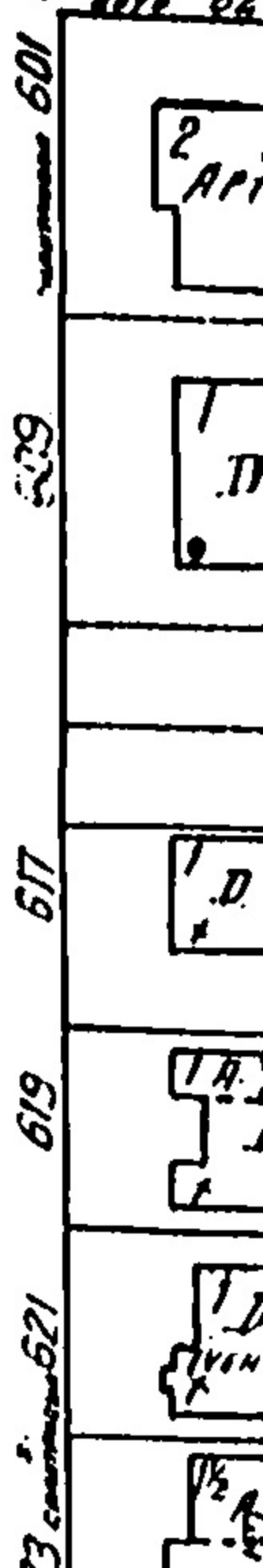
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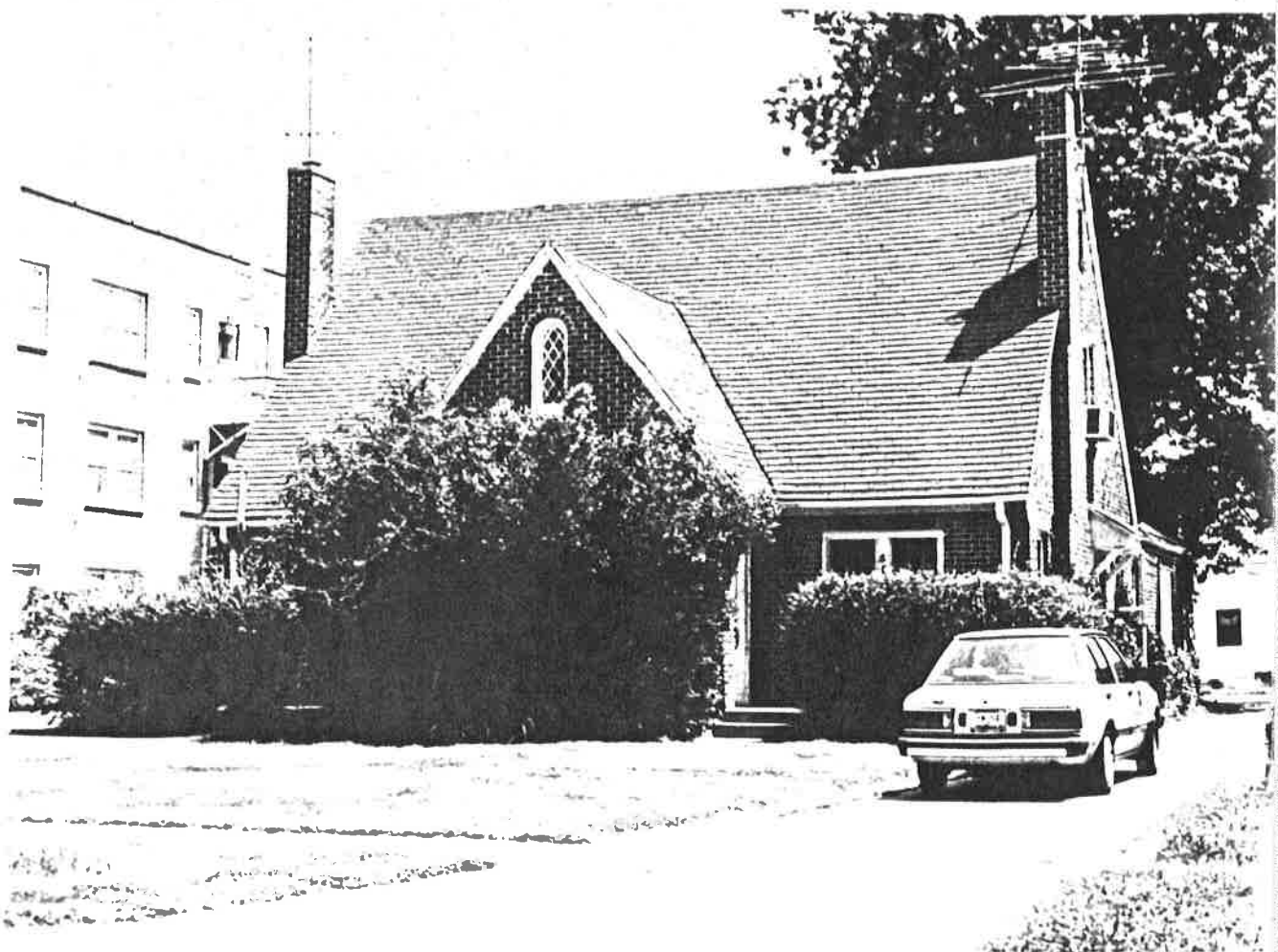
HISTORIC PRESERVATION SURVEY INVENTORY FORM

TYPE ALL ENTRIES.

1. PROPERTY NAME: NORMAN, OKLAHOMA
2. RESOURCE NAME: _____
3. ADDRESS: 607/609 S. Lahoma
4. CITY: NORMAN
5. VICINITY: YES (yes or no)
6. COUNTY: CLEVELAND
7. BLOCK: 1
8. LOT: 44, 43
9. PLAT NAME: Landt's Addition
10. SECTION: N/A
11. TOWNSHIP: N/A
12. RANGE: N/A
-
13. RESOURCE TYPE: Building
14. HISTORIC FUNCTION: 01B Multiple Dwelling (2 units)
15. CURRENT FUNCTION: 01B Multiple Dwelling (2 units)
16. AREA(S) OF SIGNIFICANCE: 030 Architecture
17. SIGNIFICANCE: Contributing to the Chautauqua District
- _____
- _____
18. DOCUMENTATION SOURCES: Sanborn Insurance Maps 1944
- _____
- _____
-
19. NAME OF PREPARER: MEACHAM WEISIGER ASSOCIATES
709 Chautauqua, Norman, Ok. 73069
405 - 321 - 6221
20. SURVEY PROJECT: CITY OF NORMAN, OKLAHOMA
21. DATE OF PREPARATION: AUGUST, 1988
22. PHOTOGRAPHS: YES YEAR 1988

BUILDING CONSTRUCTION DESCRIPTION:

23. ARCHITECT/BUILDER: _____
24. YEAR BUILT: Ca. 1938
25. ORIGINAL SITE? Yes DATE MOVED _____ FROM WHERE _____
26. ACCESSIBLE? Yes
27. ARCHITECTURAL STYLE: Tudor (53)
28. FOUNDATION MATERIAL: Brick (30)
29. ROOF MATERIAL: Asphalt (63)
30. WALL MATERIAL: Brick (30)
31. WINDOW TYPE: Double 6/1
32. WINDOW MATERIAL: Wood (20)
33. DOOR TYPE: Panel/glass
34. DOOR MATERIAL: Wood (20)
35. EXTERIOR FEATURES: Round arch 2nd floor window with diamond cut glass
36. INTERIOR FEATURES: N/A
37. DECORATIVE DETAILS: Shed roof with brackets on side door
38. CONDITION OF RESOURCE: Fair
39. DESCRIPTION OF RESOURCE: Present and historic:
Roof - gabled side. 2 story, 1/2 attic. Brick chimney, north
and south end.
- Alterations: 607 $\frac{1}{2}$ in rear. Converted garage to apartment.
Date unknown.
40. COMMENTS: _____
42. PLACEMENT: _____









609













