

# STAFF REPORT

## CONCERNING APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

**Date:** April 2, 2019

**Application Number:** 2019-0312

**Property Location:** 821 Forest Avenue

**Architectural Style/Date/Architect or Builder:** Gabled-Ell / 1893

**Property Owner:** Diana Phipps

**Landmark or District Designation:** Chapin Park Local (Ordinance #9574-05) and National Historic District

**Rating:** *Notable*

**DESCRIPTION OF STRUCTURE/SITE:** Two story Gabled-Ell with irregular plan on a brick foundation. The chimney is centrally located with rectangular brick. Siding is 4" painted clapboard, with corner boards and fish-scale shingles. The cross gabled roof is 12/12 with asphalt shingles, with plain eave and rake boards as well as a plain frieze. The front porch has a shed roof, a pedimented entry bay, turned spindles and turned wood columns. Windows are generally 1/1 double hung with some divided lite casements, the jams and sills are plain, and there is moulded wood entablature. The front door is a glazed single leaf wood panel door with a moulded wood jamb and entablature; a rectangular transom is above.

Insulation was sprayed into the structure behind the siding sometime before the establishment of the historic district. The exterior paint has deteriorated significantly.

**ALTERATIONS:** Certificate of Appropriateness #2016-0711 retroactively allowed for the tear-off and re-roofing of the flat and slopes areas of the roof.

**APPLICATION ITEMS:** "8 vinyl replacement windows."

**DESCRIPTION OF PROPOSED PROJECT:** Applicant seeks a *retroactive* Certificate of Appropriateness for changes on the structure:

1. The replacement of eight original windows primarily on the southern exposure with Sunrise Windows "Essential by Sunrise" vinyl windows, as follows:
  - a. Four (4) double-hung windows, 30" x 73.5"
  - b. One (1) double-hung window, 40" x 73.5"
  - c. One (1) double-hung window, 30" x 61.25"
  - d. Two (2) 2-lite sliders windows, 38" x 40"
    - i. These windows are unique – the property owner required the contractor retain the original windows. The replacement vinyl windows have been installed on the outside of the original windows.

Staff was alerted anonymously that work had been executed on 821 Forest in the Chapin Park Local Historic District on March 1, 2019. Staff contacted the contractor (Energy Efficient Replacements) and property owner (Diana Phipps) at the site and informed both that a Certificate of Appropriateness was required for work within the Local Historic District, and that the original windows should be retained until the project was compliant. One of the window sashes was destroyed during the removal process.

The Building Department was notified that windows were being replaced without Certificate of Appropriateness. A "Red Tag" (stop work order) was issued for the property on that date.

**SITE VISIT REPORT:** N/A

### **STANDARDS AND GUIDELINES: CHAPIN PARK**

#### II. EXISTING STRUCTURES

##### A. BUILDING MATERIALS

Original exterior building materials in the district include brick, stucco, clapboard, wood shingles, and brick or stone masonry. In some instances, vinyl, composite and aluminum siding have been applied over the original material.

**Required**

**Original exterior building materials shall be retained when possible. Deterioration of wood materials shall be prevented through repair, cleaning and painting. The existing architectural detail around windows, porches, doors and eaves shall be retained or replaced by replicas of the same design when deteriorated beyond repair.**

[...]

**C. WINDOWS AND DOORS**

**Window and door frames are in most cases wood and vary depending upon the style of the home. Many are double-hung windows with wood trim and sills. Brick structures have stone sills and brick lintels. In some cases where aluminum siding has been applied, the window and door trim has been covered. About half of the structures in the district have aluminum storm windows; the other half have wood storm windows.**

**Required**

**Original windows and doors shall be retained including sashes, lintels, sills, shutters, decorative glass, pediments, hoods and hardware. When deteriorated beyond repair, they shall be replaced with units and trim resembling the original.**

**Recommended**

**Wood storm windows and doors painted or finished to match the original should be used but should not damage existing frames. If new sashes or doors are installed, the existing or original materials, design and hardware should be used. When metal storm doors are used, they should be painted, anodized or coated to match the existing. When awnings are used, they should be of canvas material.**

[...]

**VI. ENFORCEMENT PROCEDURES**

**Enforcement of the preservation guidelines and standards for the historic district is made possible in the Zoning Ordinance of the City of South Bend, ordinance No. 5565-73, as amended and the Historic Preservation Commission's Preservation Plan.**

**The Historic Preservation Commission may petition the Building Commissioner to use the legal means available to him/her to force the maintenance and / or repair of any building or structure within the historic district in accordance with the intent of this ordinance.**

This ordinance, however, does not prevent the ordinary maintenance and repair of any building or structure which does not involve a change in any exterior feature, nor does it prevent the reconstruction, alteration, demolition or moving of any building or structure which the Building Commissioner or other official has determined to be a hazard to public safety.

Property owners wishing to do, or have done, any work affecting the exterior of their building or land must apply directly to the History Preservation Commission on the form prescribed by the Commission (see Appendix A). The Historic Preservation Commission shall issue a Certificate of Appropriateness before commencement of any construction, reconstruction, alteration, demolition, or moving of any house or structure within the historic district boundaries (see Appendix A). The Historic Preservation Commission will accept applications for Certificate of Appropriateness only from the property owner.

**In making its determination, the Historic Preservation Commission shall consider three factors: first, the appropriateness of the proposed work to the preservation of the building and district; second, the detriment to the public welfare if the proposed work is permitted even though it is not deemed appropriate; third, the potential hardship that the denial of the Certificate of Appropriateness would cause the applicant.**

[...]

**STAFF RECOMMENDATION:** Were this a proactive application for the replacement of existing windows, staff would like to see proof that the existing windows were deteriorated beyond repair. Seeing how the windows were on the southern exposure, coupled with the loss of one of the sashes during the removal process, some level of deterioration can be assumed. Staff accepts that regular maintenance has been deferred on this structure: the exterior paint has most visibly separated from much of the structure, including the windows.

If the motivation for replacing the windows was heat loss (or the belief that the existing windows were inefficient), the installation of exterior wood storms – which is in keeping with the historic nature of the neighborhood – would solve this problem.

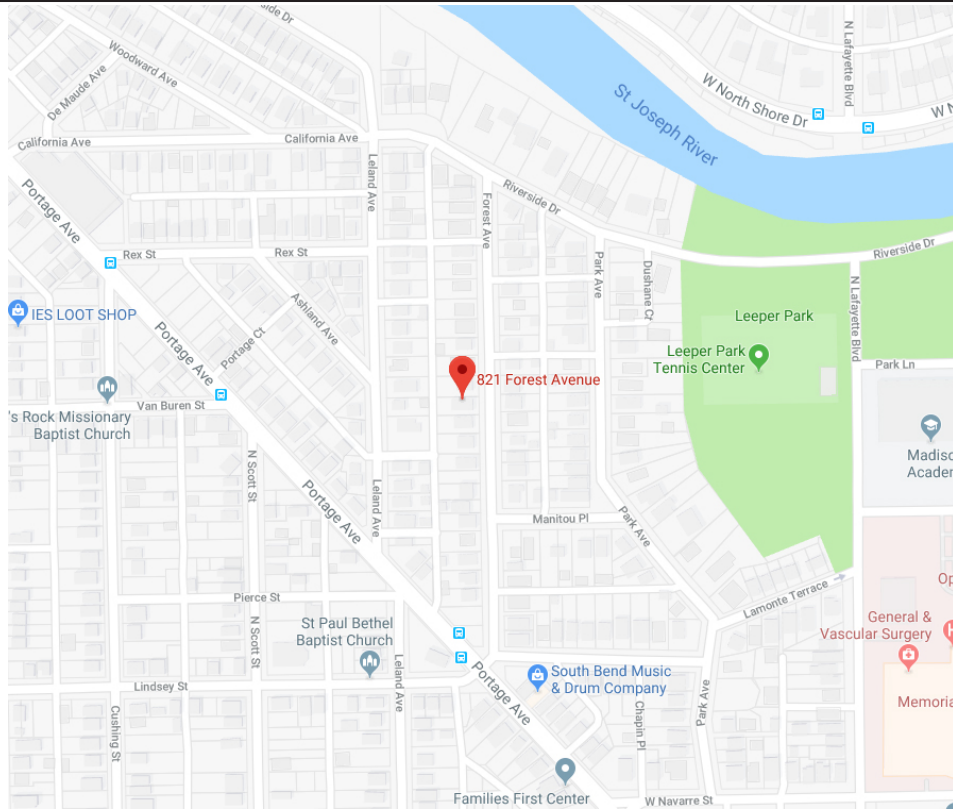
Staff recommends denial of this project, would request that the vinyl replacements be removed and replaced with the original wooden windows, and advocates for the installation of wood storm windows.

Prepared by  
Adam Toering  
Historic Preservation Specialist

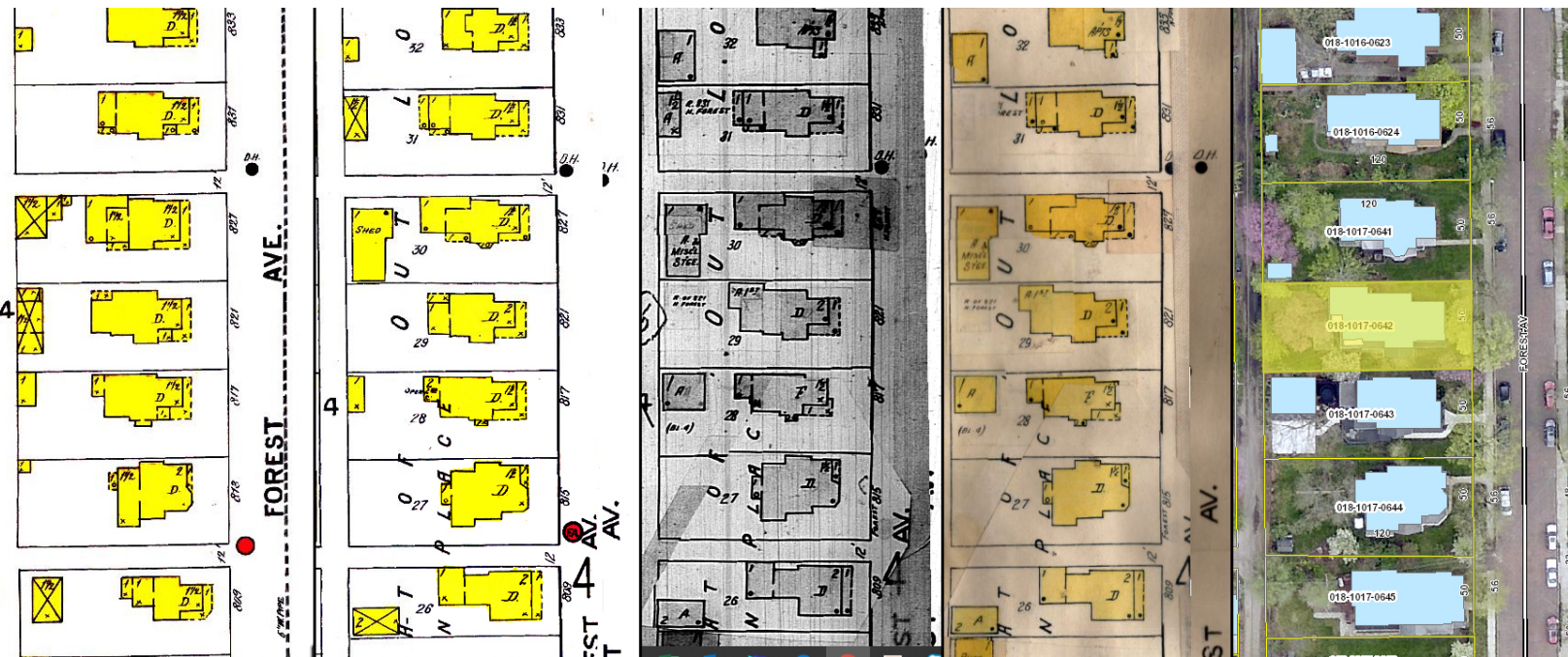
Recommendation by  
Elicia Feasel  
Historic Preservation Administrator

# HISTORIC PRESERVATION COMMISSION OF SOUTH BEND AND ST. JOSEPH COUNTY

LOCATION MAP - Map showing location of the property and surrounding area (Google Maps)



AERIAL MAP - Sanborn maps from 1899, 1917, 1945, and 1960. Satellite imagery from 2017.



**WAIVER OF STATUTORY TIME PERIOD FOR  
CERTIFICATE OF APPROPRIATENESS**

WHEREAS, county and city ordinances require the Historic Preservation Commission of South Bend and St. Joseph County (the "Commission") to consider my application for a certificate of appropriateness within forty-five (45) days after its filing; and

WHEREAS, the county and city ordinances require the Commission to issue a denial, if they choose to do so, within sixty (60) days of receipt of my application; and

WHEREAS, the undersigned, as applicant, has requested that the Commission delay its decision on my application.

THEREFORE, the applicant hereby consents to an extension of the time to act on my application to and including 90 days and accordingly waives any rights affected by the Commission's postponed consideration of my application.

I affirm under the penalties for perjury that the foregoing representations are true and correct to the best of my knowledge.

Deana Duggis  
Applicant

2019-0312  
COA Number

821 Forest Avenue  
Address of Property

Received: Historic Preservation Commission of South Bend and St. Joseph County  
this 15<sup>th</sup> Day of April, 2019.

Adam King 4/15/2019  
Historic Preservation Commission

**From:** [Diana Phipps](#)  
**To:** [Adam Toering](#)  
**Subject:** Re: Storm Windows  
**Date:** Tuesday, April 30, 2019 12:03:23 AM

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Thanks so much, Adam. I really appreciate this help.

On Mon, Apr 29, 2019 at 2:18 PM Adam Toering <[atoering@southbendin.gov](mailto:atoering@southbendin.gov)> wrote:

Diana,

Sorry for the delay in getting this to you. The Commission wanted you to investigate looking into acquiring storm windows for your windows. They did not specify whether they wanted wooden storms – like are found on the front of your house – or aluminum storms, so I would encourage you to investigate both.

1. Wooden Storms

- a. Attached to this e-mail is our most recent ‘Updated Local Contractors’ list. Unfortunately I cannot give direct recommendations as to the quality or professionalism of individual contractors, but I can attest that people in your neighborhood have used **Warner Construction** (found under the Carpentry section) for the construction of storm windows. Making wooden storms is carpentry work, plain and simple – and most carpenters should be able to do it.
- b. You requested the contact information of Troy McKee, who spoke in favor of your project at the Commission Meeting. Troy’s company is **McKee Brothers Construction**, and they can be reached at 574-217-6384.
- c. I’ve also attached our ‘Window Repair Resources’ document that highlights some of the companies that do window-related work.

2. Aluminum Storms

- a. Aluminum storms can be purchased at ‘big box’ building supply stores or direct from an installer. I’d encourage you to investigate this just to have context for the Commission meeting.

If you have questions, Steve, Elicia, and myself are available to help as best we can.

Best,

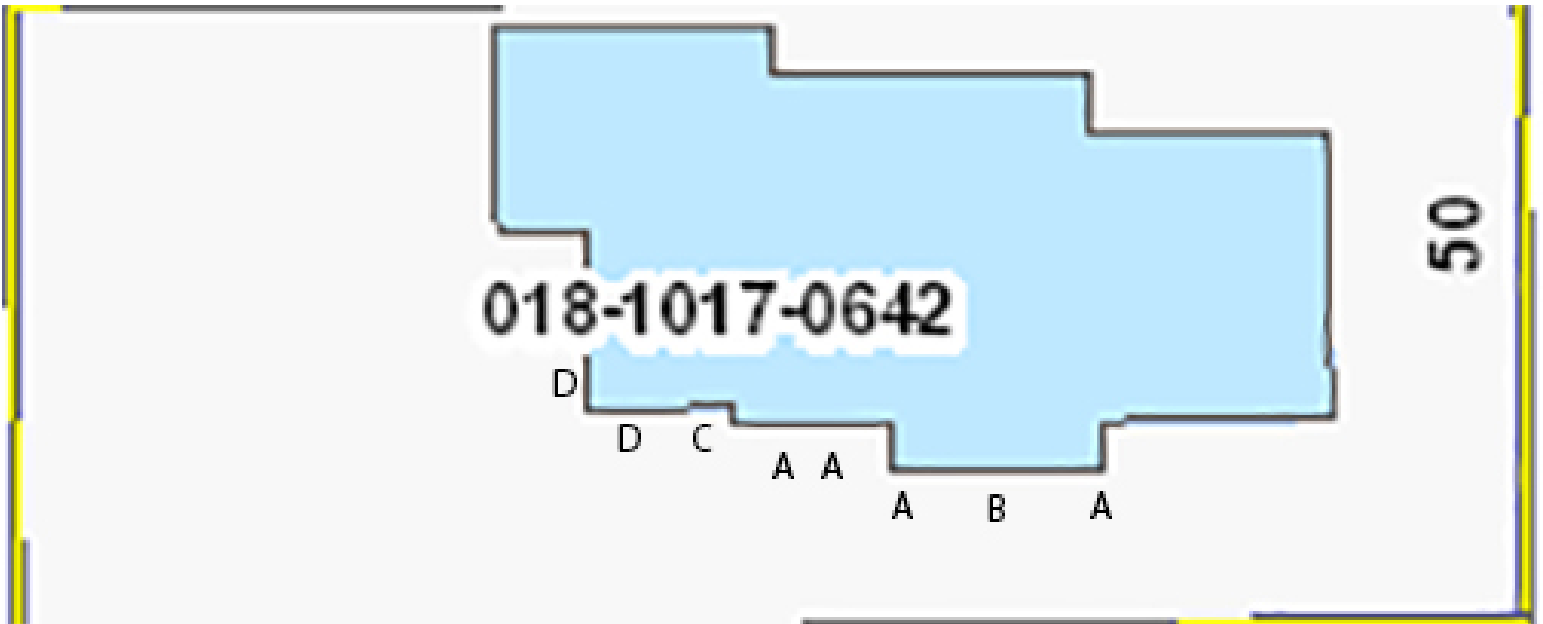
**Adam Toering**  
Historic Preservation Specialist  
Department of Community Investment  
(574) 235-7478  
[atoering@southbendin.gov](mailto:atoering@southbendin.gov)

City of South Bend  
227 W. Jefferson Blvd., Ste. 1400  
South Bend, IN 46601

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**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

SITE PLAN - Site plan based upon MACOG map, generated by staff. Labels correspond to project description.



**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

FRONT PICTURE (EAST) - Picture of the front of the building.



BACK PICTURE (SOUTH WEST) - Picture of the back of the building.





**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

SIDE PICTURE (NORTH) - Picture of the side of the building.



SIDE PICTURE (SOUTH) - Picture of the side of the building.



**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

PICTURES OF ITEMS THAT NEED ATTENTION - Southeast and south sides.



**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

Top: Window of size 'A', South East corner. Bottom: Window of size 'B', south side.



**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

PICTURES OF ITEMS THAT NEED ATTENTION - Three of Window type 'A', Southern exposure



**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

Top: window type 'C'. Bottom: window type 'D'. Both on second story, southern exposure.



**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

PICTURES OF ITEMS THAT NEED ATTENTION - Window type 'D', second story, western exposure



**HISTORIC PRESERVATION COMMISSION  
OF SOUTH BEND AND ST. JOSEPH COUNTY**

PICTURES OF ITEMS THAT NEED ATTENTION - Removed windows, including destroyed sash.









## ***Energy Efficient Replacements***

***"Michiana's Best Replacement Window Company"***

Energy Efficient Replacements Llc  
51285 Bittersweet Rd.  
Suite G  
Granger, IN 46530  
574-387-3297

RE: 821 Forest Avenue Window Replacement

**Window Manufacturer:**

Sunrise Windows

**Make:**

Essentials by Sunrise

**Material:**

Virgin Vinyl

**Size:**

4-double hung @ 30x73.5, 1-double hung @ 40x73.5, 1-double hung @ 30x61.25  
2-2 lite sliders @ 38x40

**How Windows Will Be Finished:**

Interior is caulked to inside stops.

Exterior Double Hung Windows will be finished off with a sill extender trim and caulked to exterior stops.

Sliding Windows will be finished off with extender trim and caulked to stops.

Brickmould and original exterior window trim remain the same on exterior not changing the look.

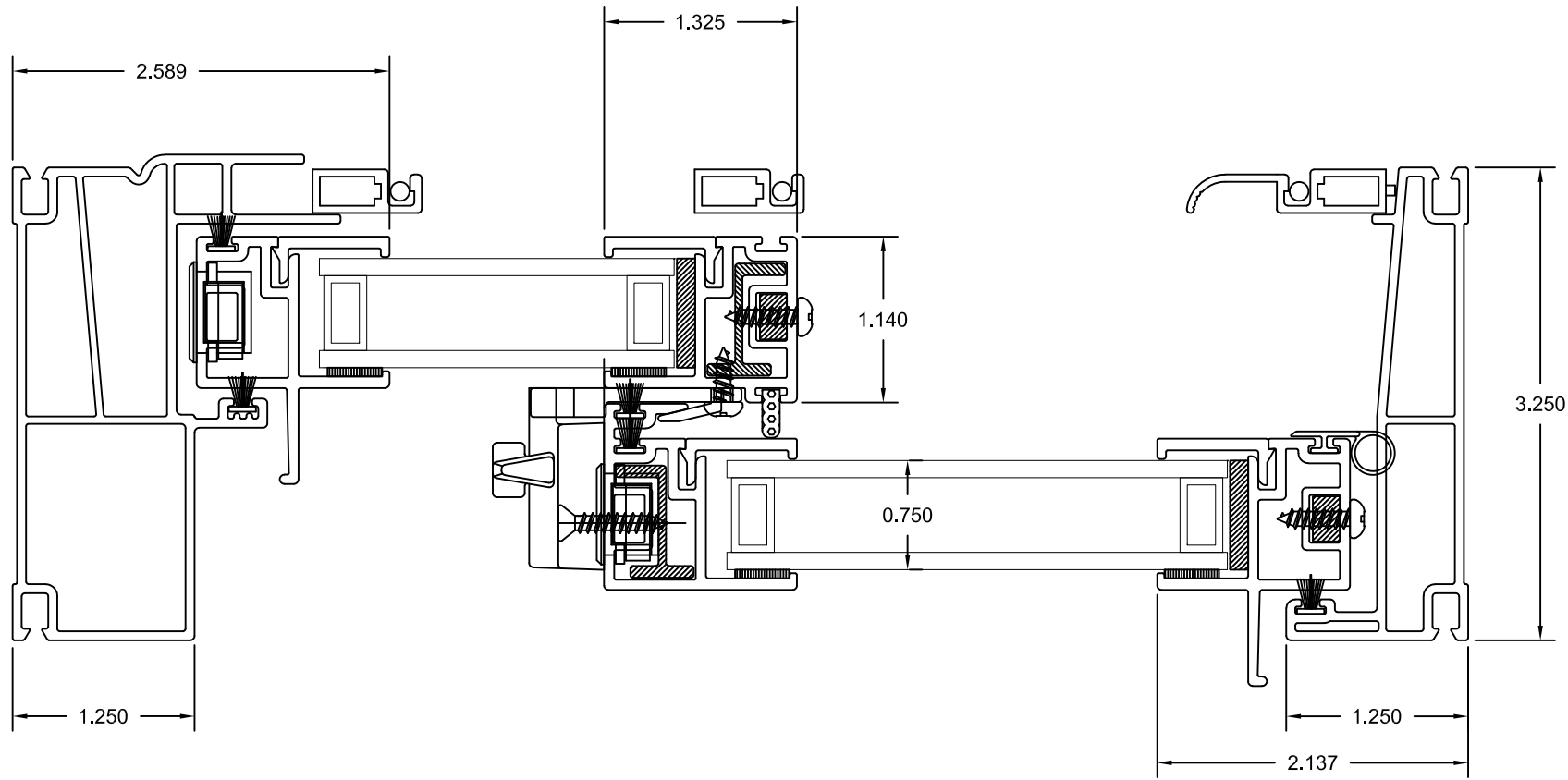
**Bid Spec:**

Energy Efficient Replacements to furnish and install (6) Double Hung Windows and (2) 2-Lite Sliding Windows, Essentials by Sunrise.

**ATTACHMENTS:**

See Attached Product Drawings.





CHANGE	
REV.	DATE

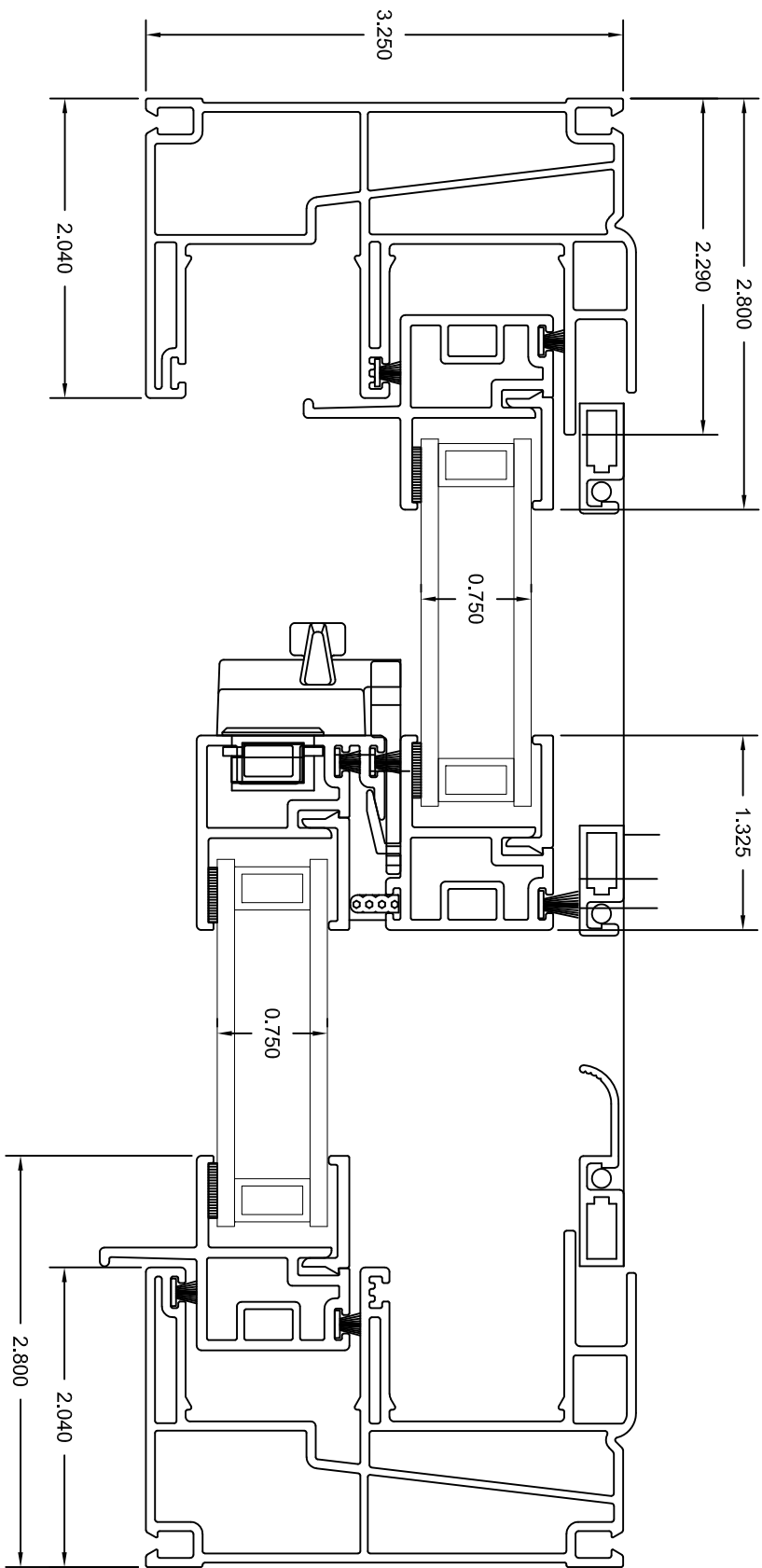
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DESCRIPTION:  
 ESSENTIALS  
 DOUBLE HUNG  
 VERTICLE SECTION

DESIGN:	SCALE: FULL
DRAWN:	DATE: 02-14-11
APPROVED:	DATE:

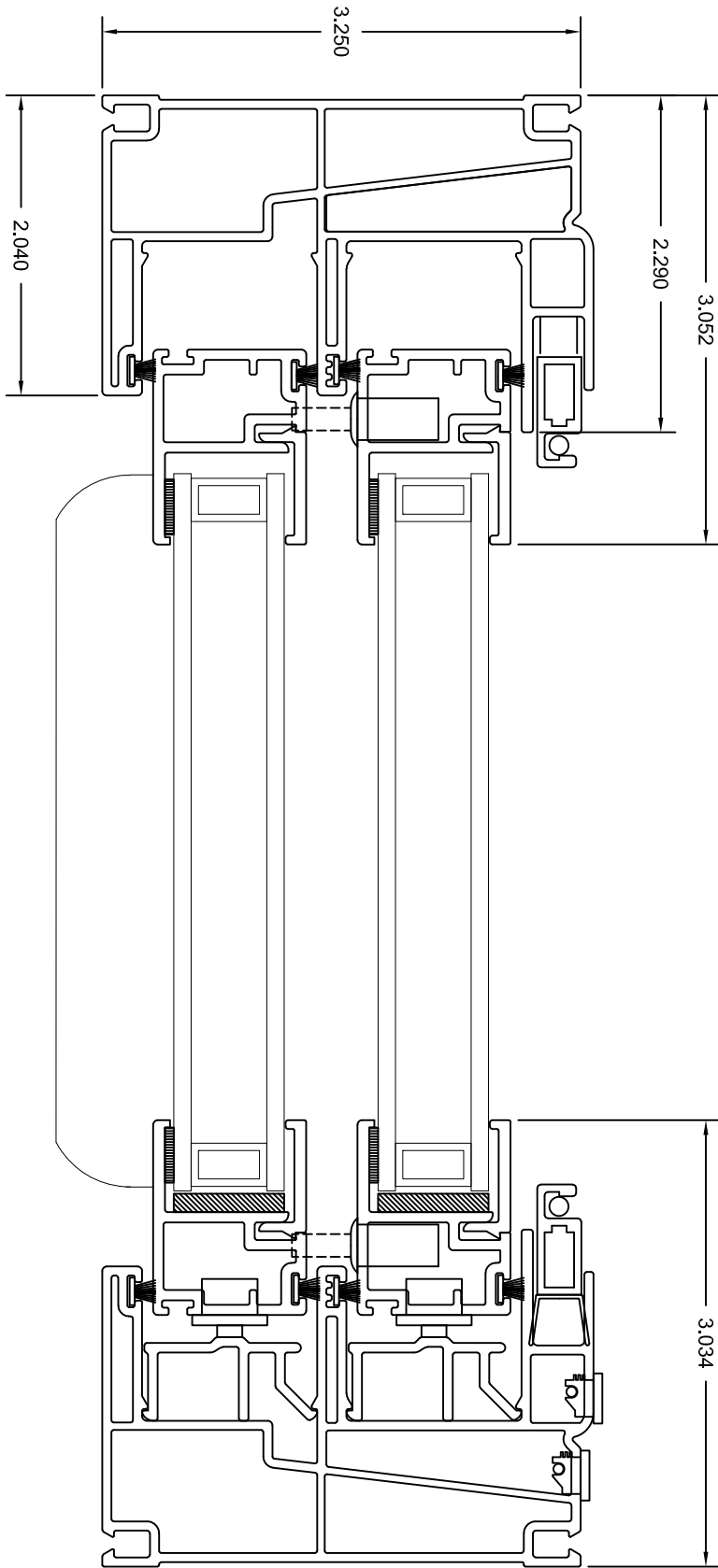
MATERIAL:
AREA:
WT. PER FT.:
DIE NO.:
DRAWING NO.:



DESCRIPTION:  
 ESSENTIALS  
 SLIDER  
 HORIZONTAL SECTION

DESIGN:	SCALE:
DRAWN:	FULL
DATE:	02-14-11
APPROVED:	DATE:
MATERIAL:	
AREA:	
WT. PER FT.:	
DIE NO.:	
DRAWING NO.:	

REV.	BY	APPV'D	DATE	CHANGE
				PROPERTY OF SUNRISE WINDOWS, LTD. ANY UNAUTHORIZED USE IS STRICTLY PROHIBITED.



DESCRIPTION:  
ESSENTIALS  
SLIDER  
VERTICLE SECTION

DESIGN:	SCALE:
DRAWN:	DATE:
APPROVED:	DATE:
MATERIAL:	
AREA:	
WT. PER FT.:	
DIE NO.:	
DRAWING NO.:	

REV.	BY	APPV'D	DATE	CHANGE

PROPERTY OF SUNRISE WINDOWS, LTD. ANY UNAUTHORIZED USE IS STRICTLY PROHIBITED.

**From:** [Jason Yoder](#)  
**To:** [Adam Toering](#)  
**Subject:** Re: 821 Forest Avenue Window Replacement  
**Date:** Tuesday, March 12, 2019 9:01:02 PM  
**Attachments:** [821 Forest Window Project.pdf](#)  
[Ess DH Horizontal Section.pdf](#)  
[Ess DH Vertical Section.pdf](#)  
[Ess SL Horizontal Section.pdf](#)  
[Ess SL Vertical Section.pdf](#)

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See Attachments.

On Wed, Mar 6, 2019 at 11:48 AM Adam Toering <[atoering@southbendin.gov](mailto:atoering@southbendin.gov)> wrote:

Jason,

Wanted to follow up with you regarding your application for window replacement at 821 Forest Avenue. Per our conversation last week on Thursday, you were going to provide me with additional information regarding the products your employee installed at the property. Specifically:

1. Product Information (Make/Manufacture, size, material)
2. How the windows would be trimmed out,
3. Contract / Bid Spec

This project will not be reviewed by the Commission at the March 18<sup>th</sup> meeting unless this information is received. Without Historic Preservation Commission approval, the Building Department will not release a Building Permit and the Red Tag will remain.

Thank you,

**Adam Toering**  
Historic Preservation Specialist  
Department of Community Investment  
(574) 235-7478  
[atoering@southbendin.gov](mailto:atoering@southbendin.gov)  
City of South Bend  
227 W. Jefferson Blvd., Ste. 1400  
South Bend, IN 46601

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Thank You,

Jason Yoder  
Energy Efficient Replacements  
[574.387.3297](tel:574.387.3297)  
[www.EERwindows.com](http://www.EERwindows.com)

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**From:** [Adam Toering](#)  
**To:** [Jason Yoder](#)  
**Cc:** "[Elicia Feasel](#)"  
**Subject:** RE: Question  
**Date:** Thursday, March 14, 2019 3:34:00 PM

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Jason,

Per our last phone conversation, your project has been scheduled to be reviewed at the April 15<sup>th</sup> Historic Preservation Commission meeting to be held on the 13<sup>th</sup> Floor of the County-City Building at 5:30pm. More information regarding the upcoming April meeting will be forthcoming.

I've CC'd Historic Preservation Administrator Elicia Feasel on this exchange.

Thank you,

**Adam Toering**

Historic Preservation Specialist  
Department of Community Investment  
(574) 235-7478  
[atoering@southbendin.gov](mailto:atoering@southbendin.gov)  
City of South Bend  
227 W. Jefferson Blvd., Ste. 1400  
South Bend, IN 46601

**From:** Jason Yoder <jason.yoder@eerwindows.com>  
**Sent:** Thursday, March 14, 2019 2:46 PM  
**To:** Adam Toering <atoering@southbendin.gov>  
**Subject:** Question

When is meeting and what time

--

Thank You, Jason Yoder Energy Efficient Replacements 51285 Bittersweet Rd. Granger, IN. 46530  
574.387.3297 [www.EERwindows.com](http://www.EERwindows.com)