

City of Excelsior
Hennepin County, Minnesota

Minutes
Heritage Preservation Commission Special Meeting

Wednesday, November 3, 2021

1. CALL TO ORDER/ROLL CALL

Interim Chair Caron called the meeting to order at 5:30 pm.

Commissioners Present: Bolles, Brabec, Caron, Hartwich, Tyler

Commissioners Absent: Salita

Also Present: Community Development Director Mullin

2. AGENDA APPROVAL

Bolles made motion to approve/ Brabec seconded. Agenda approved. 5/0

3. APPROVAL OF MINUTES

4. CITIZEN REPORTS OR COMMENTS

5. DISCUSSION ITEMS

a) **173 2nd Street Site Alteration Permit for Window Replacement (HPC No. 21-32)**

Mullin presented the staff report. Before the HPC is a Site Alteration Permit for window replacement at 173 2nd St. On October 27, 2021, the City placed a Stop Work Order on the work being performed at 173 2nd Street because windows were being removed from the

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home and new windows were being installed, and the homeowner did not have a Building Permit or a Site Alteration Permit as required. On October 28, the homeowner submitted a Site Alteration Permit application. A Special HPC meeting was scheduled for November 3, 2021, to consider the permit. The Stop Work Order remains in effect. The home is a designated landmark property. The Building Official and Planning staff visited the property to view the windows.

The existing windows on the home are double-hung and appear to be original to the home. The windows have a pane arrangement of three over one. The windows are white. There are metal storm windows and screens.

Replacement windows are double-hung and are being put into the existing openings on the house. The windows are double-paned with a grid between the panes that is a style different from the original - the upper panes are divided into four quarters. The windows are painted black. The openings have not been changed, however, the new windows appear to slightly decrease the window opening due to the size of window frame.

Caron: The SAP application is incomplete: no narrative describing the work and how work relates to the architecture, no scaled elevation drawings, no information about details of windows (photos of new windows were submitted by applicant).

Bolles: Noted differences from the staff report: a window at the front entrance appears to have been removed and is papered over; the original siding is exposed (under the vinyl siding) and appears to be wood bevelled with 7" exposure - unusual for a house that age. Appears that opening will be covered with wood siding. New windows on front of home have storm and screens on them. Windows are black, factory-coated.

Hartwich: are the windows original?

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Caron: SHPO believes the windows are original to home, and the three-over-one design is a distinctive feature of the home.

Applicants: Did not get copy of Guidelines. Apologized for the situation. They did not intend to do anything wrong. They joined some of the Council meetings winter/spring 2021 about this house and stated then that they love the house and intended to put an offer on it if the parcel was split. No intentions to do anything to the exterior. When they purchased the home early summer, they knew they needed to order new windows. Wait time for windows was 20+ weeks. Original windows were and are in tough shape. Cracks, rotted wood. They knew the historic designation process was ongoing. At purchase they were told the property was not designated. Did their due diligence. Spoke with Mayor who told them to go ahead and purchase the windows. Thought they did what they were supposed to. Apologized. Windows cannot be returned. They are same double-hung style and are going in existing openings and are more energy efficient. This was not intentional. In future will follow property protocol. Would like additional HPC materials to understand protocol. Would like to proceed installing these new windows before winter.

Bolles: plans for siding?

Applicant: No plans at the moment. In future would like to give house a facelift.

Brabec: why was no site alteration permit requested? And why no building permit requested? If a building permit had been submitted, would have been told the windows do not fit the historic preservation directives and would have been told no.

Applicant: read website and thought because openings not altered and windows same style no building permit was needed. And didn't engage a subcontractor. A friend has been helping them and they were doing it themselves. Ordered windows a long time ago, so even if they'd gotten a building permit this situation would be the same.

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Brabec: can't do work or planned work without a permit. Getting permits is part of the process.

Applicant: been a learning process for them; only the second home they've bought a house. Pleading ignorance. Have never been through a permitting process.

Brabec: You need to become educated about owning an historic home. Exterior work must be brought to the HPC.

Caron: what you've done and are proposing to do is not allowed under our Guidelines. Putting HPC in a difficult spot. You didn't ask questions about the building code or what's required for an historic house. Three over one pane arrangement is a unique feature of this Craftsman house that gives the house historic significance. The replacement windows are not Craftsman in style, are not right material or color. Can't see how HPC can allow you to continue installing these new windows on the lower level. The process for problem windows is we engage a window restoration expert to evaluate them. If they can be repaired, they must be repaired. If it's determined they are beyond repair, then can be replaced on a window by window basis – and replacements must match the originals, must be the same design, size, proportion, and detail.

Applicant: We talked to the Mayor and he said go ahead, move forward with the project.

Bolles: generally, Mayors have knowledge and power about city, but you have to talk to the city planner and building inspector; remembered that applicants were supportive of lot split and historic designation; they attended the meetings when that occurred

Tyler: appreciate getting background from applicants; you may not have known rules but HPC can't set precedent of approving alterations that are not permitted when homeowners say we just didn't know about the rules;

Brabec: where are current windows?

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Applicant: In current dumpster; just had a dumpster rolled away

Hartwich: we have to uphold integrity of HPC; windows are essential aspect of house; have to repair mistakes

Brabec: HPC has stopped window replacement in the past; homeowner had replaced windows and got a stop work order; they had to replace the windows with historic windows; and they had to pay for it; can't treat people differently

Caron: sees two paths forward: one, deny SAP; can't approve wholesale window replacement on a historic structure; second possibility is to continue this item to next meeting and give applicants opportunity to figure out where the original windows are: can they be reinstalled? To look at other windows that might be closer replica to original windows; to add more information to the application so HPC can understand what windows are in play here – there are lots of different window openings in the house (transom windows, etc.); HPC needs to know what is proposed for each of those windows; need basic elevation drawings indicating where existing historic windows are; with this info we can begin to figure out what the solution might be

Bolles: extend to November; there are other features on this house, for example the original wood siding that appears may be in good condition; take the next month to put together your comprehensive approach to restoration of the exterior; come back to the HPC with a plan; we have in the past let windows be changed on non-dominant surfaces of the house; applicant was at meeting when house was designated and their heart is in right spot; would be a big benefit to remove vinyl siding, windows are impacted by the siding; maybe recoup some expense by using the new windows on secondary elevations of the house; saw no evidence of windows in the dumpster that is on the property

Brabec: did you have a dumpster picked up after last Wednesday?

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Applicant: yes

Brabec: unfortunate because that was after the Stop Work Order; the dumpster was full on Wednesday; we could have possibly worked with some of the windows that you'd removed from the house and put them back on

Applicant: not sure that was the timeline

Bolles: this is a conundrum; a real challenge; with a full plan HPC could consider options for the less significant facades; Marvin can duplicate the original grid pattern

Caron: Come back to next meeting in two weeks, or else to December. Give you more time to think through options. If you wouldn't benefit from the time, HPC could take action tonight.

Applicant: would you consider an overall plan? We can come up with a plan by next meeting or the following

Caron: would be helpful to see plan; HPC could think about what needs to be retained, and where is there flexibility; front-facing side of house towards the street there is less latitude for changes; think about how you might adapt the home for your use and make some arguments about how you are complying with the Guidelines which HPC must uphold. Reach out to staff; she will connect you with one of us to talk through how the Guidelines have been administered in the City; that will help you with how we go forward; Stop Work Order continues; no changes to the exterior of the structure until SAP is approved by HPC and a building permit issued by the City; no exterior changes, including windows, storms, doors, sidelights, transoms, siding, rafter ends, landscaping or retaining walls, until Stop Work Order is lifted.

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Bolles: Want sincere effort to show us your plans; no consideration for the elements of the application; be up front, forthcoming with your plans for exterior of your house, even if you won't be doing the work in the near future; how to restore it to the original character of the house

Bolles made motion to continue this SAP to the November meeting to give Applicant opportunity to submit more information about how they are going to come into compliance with the Guidelines. Tyler seconded.

Question about option to deny the permit. Caron stated that if SAP is denied a process is set in motion and it would make it cumbersome if HPC is trying to work through these issues with the Applicant. Trying to be flexible moving forward.

Motion approved 5/0.

6. ADJOURNMENT

Motion made by Tyler and seconded by Hartwich to adjourn the meeting. Motion carried 5/0.

Adjourned at 6:30 p.m.

Respectfully submitted,

Julia Mullin

Community Development Director

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