

**HDC-2022-00045****Address: 814 W. Liberty Street****District: Old Allentown Historic District****Applicant: Juan Mendez, Mendez Diaz, LLC, Owner****Proposal: Legalize infill at Rewal Street opening (Violation Correction)****Building Description:**

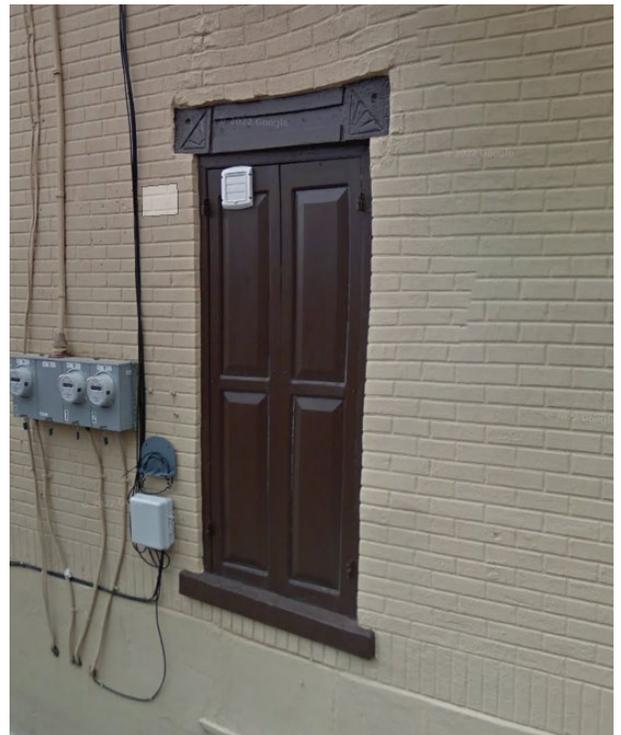
This 2½-story brick end of row home, ca 1887 has 2 dwelling units. The house is in the Second Empire style and has been bricktoted. The mansard roof has asphalt shingles with a double dormer two 1/1 sash windows which have a flat roof with brackets, a single chimney and cornice with brackets. The 2<sup>nd</sup> floor front and all the side windows are 1/1 sash with a mixture of federal and eyebrow lintels. The 2<sup>nd</sup> floor front windows have louvered shutters. The Eastlake lintels are carved and are highlighted with contrasting paint color. The concrete porch has pipe railing and concrete steps that lead to the main entry which is a double paneled door. The 1<sup>st</sup> floor front has a picture window, visible basement window with grille and an Allentown Porch Roof of barrel shape, asphalt shingles and decorative ends, the roof rafters are also decorative. There is a second 4-panel solid door on the front of the building with concrete steps to the left of the concrete porch. The side of the building has a concrete porch with a 3<sup>rd</sup> entry (cannot see it clearly in picture), brick pillar and a shed roof that extends over the sidewalk. There appears to be a 2<sup>nd</sup> floor deck with shadow box railing. There is an “L” shaped building that was added and is clad with clapboard siding and simple wooden corner trim, windows were 2/1 sash in wide timber frames. There is a small lean-to, probably a later addition, that in-fills the “L”. The house has an attached garage.

**Project Description:**

On August 18, 2022, a Notice of Violation was issued by staff to the property owner of 814 W. Liberty Street for infilling a first-story window on the Refwal Street façade. The window opening was infilled with insulation and brick, the lintel and brick were coated with a waterproof cement finish, and the wood window frame and sill were removed. This application seeks to legalize the work, and the applicant proposes to paint the infilled area to match the surrounding masonry.



814 W. Liberty Street in 2019.  
(Google StreetView)



First-story window on Refwal Street façade prior to being infilled. (Google StreetView)



Refwal Street window after being infilled.  
(Applicant)



Shutters proposed for installation. (Applicant)

**Applicable Guidelines:**

**Chapter 3.5 – Windows**

**3.5.1** Retain and preserve historic windows and *all associated components* whenever possible, including window sash, frame, hardware, *lintel*, *sill*, trim, hood, shutters, and glazing (glass). Retain original windows in type, shape, size, operation, and material. Preserve existing glazing including stained glass as a distinctive feature of the window. [Emphasis added]

**3.5.10** Preserve the ratio of window openings to solid wall surfaces. Increasing or reducing openings can impact the proportions of a façade and can look out of place within the larger streetscape. Changing the size of openings will also require a Building Permit because it changes the amount of enclosed space on a façade.

**3.5.11** Retain the historic pattern of window openings (fenestration pattern), especially on primary facades. Avoid inserting new windows into a façade or infilling existing windows. The position, number, and arrangement of windows defines the rhythm of a façade and can be a character-defining feature of an architectural style or a type of building use. If creating new openings or infilling existing ones is necessary for a project such as adaptive reuse, locate openings on side or rear facades.

**3.5.22** Match new shutters to the size and shape of the window. Each shutter should be one half of the width of the window, in order to cover the entire window if closed. The shutter shape should match the window (arched, rectangular, etc.)

**3.5.23** Hang shutters so that in a closed position over the window the louvers would shed water away from the building. Louvers should point up when the shutters are open and point down when the shutters are closed. This design mimics the original protective function of shutters.

**Observations & Comments:**

The HARB reviewed and approved the sealing of the window and installation of the paneled shutters in a fixed closed position in 1994 (COA 1994-50, Resolution 26967). The paneled shutters were installed to offer the appearance of the original opening once the opening no longer retained its historic function.

The staff finds that eliminating the opening as proposed does not meet the Design Guidelines, because it alters the ratio of window openings to solid wall surfaces (3.5.10) and disrupts the rhythm of openings on the façade (3.5.11). Removing the wood sill and coating the decorative wood lintel does not meet Guideline 3.5.1, because it alters original window components. The submitted documentation of the work does not show that adequate waterproofing was installed around the opening or infill materials. This indicates a risk that moisture will be trapped in the masonry wall and cause future deterioration. The staff recommends that the new infill be removed, the opening be properly waterproofed, and that the window be infilled in a more appropriate manner by reinstalling the wood sill, removing the coating from the lintel, reinstating the reveal in the brick, and reinstalling a wood frame with shutters in a fixed closed position.

**Staff Recommendation:**

Denial of the legalization as proposed, pursuant to Chapter 3, Section 3.5 Windows

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**HARB Discussion:**

MK clarified the application is to legalize the infill with wood, insulation and brick veneer and paint it to match the adjacent masonry rather than reverse the infill as was thought to be the intention presented at the last meeting.

HARB Vice Chair AJ stated that after last month's meeting it was discussed that further clarification was needed to prove the construction techniques and waterproofing of the existing window and shutter infill for the HARB to decide on appropriateness of the choice to remove the infill currently in place which was installed without HARB approval.

MK stated the infill as proposed does not meet the Guidelines, HARB Chair DH agrees because it is removing a window opening on a contributing secondary facade.

HARB Vice Chair AJ stated the Guidelines do NOT state the infill approach is an inappropriate solution because the material proposed matches the existing and adjacent fabric. HARB Chair DH asked and MK confirmed the materials used throughout the exterior is brickote.

HARB Chair DH referenced the Guidelines sections pertaining to historic/original windows on a primary façade, and HARB Vice Chair AJ interpreted the Guidelines for window openings different from the window unit itself and therefore the opening (in his interpretation) may be treated as part of the wall, in this application. PH agreed the loss of the opening does change the elevation and does impact the neighborhood in so doing.

HARB members discussed the definitions of primary and secondary facades and MK clarified the façade in question is considered a contributing secondary façade, referencing the Guidelines.

HARB Vice Chair AJ stated the proposed work is replacing a feature—a replacement window—from a prior HARB approval, and the shutters used are not the same as others used on the building.

GL stated the infill issue, on a contributing, side façade, is not prohibited by the Guidelines in his opinion, he raised concern with the treatment of the upper portion of wood left exposed, suggested removing it and filling it with stucco and scored to look like the adjacent masonry. Applicant agreed to infill the entire opening, formerly the window, with the brick veneer, coated to match the surrounding material.

AE raised concern with the pointing work and agreed that the opening prior to the infill was a feature of the building that was a contributing feature in the neighborhood.

PH requested clarity from the applicant if the necessity to do this infill is greater than leaving the opening and infilling with wood and shutters. PH asked if the adaptive use of the building warranted a change of this magnitude to remove the window and infill thus permanently altering the historic fabric. The applicant stated the change was necessary because the type of windows cannot be found now, and the recurring leak occurring at this location was repeatedly rotting the wood and pushing the brick veneer out of plumb. PH interpreted this as the existing condition was causing harm to the historic fabric and therefore the remedy to infill it was justified. Vice Chair AJ agreed. AE asked what happens if there is a leak at another original window, does this set a precedent to infill other window openings. Vice Chair AJ stated that because there is no window here now in the location in question, it does not establish a precedent for infill at other window openings.

**Action:**

HARB member Glenn Lichtenwalner moved to approve w/conditions, the application presented on 11/7/2022 for the legalization of the infilling of the Refwal Street opening to correct a violation at 814 W. Liberty Street with the following conditions: infill the full opening left from the removal of the non-original window, sill and lintel with materials to replicate the existing brick and brickote, agreed to by the applicant, and finds compliance with the following sections of the Guidelines for Historic Districts: Chapter 3, Section 3.5 Windows, and finds that there are circumstances unique to the property: this is not an original window, it is a c. 1994 replacement window and the leaking condition surrounding this window was causing irreparable damage to the existing and adjacent historic masonry fabric. HARB Vice Chair AJ Jordan seconded the motion, which passed unanimously.