

DATE AND TIME STAMP

**NOTICE OF APPEAL OF A
JACKSONVILLE HISTORIC PRESERVATION COMMISSION
CERTIFICATE OF APPROPRIATENESS**

I. INSTRUCTIONS

As provided in §307.201, Ordinance Code, any person with standing may appeal a Jacksonville Historic Preservation Commission final order on an application for a Certificate of Appropriateness to the City Council. An appeal must be filed **within 21 calendar days** after the final order granting, granting with conditions, or denying a Certificate is signed by the Commission Chairman. To appeal a Commission final order on an application for a Certificate, complete and submit this form to the Legislative Services Division, Suite 430, City Hall-St. James, 117 W. Duval Street, Jacksonville, Florida 32202 with the supporting documents (*see* Section III) and appropriate fees (*see* Section IV). A copy of the final order and the list of persons who testified before or wrote to the Commission about the Certificate (*see* Sec. III(1) and (4)) may be obtained from the Special Projects Branch of the Planning and Development Department, 7th Floor, Florida Theater Building, 128 E. Forsyth Street, Jacksonville, Florida 32202.

II. NOTICE OF APPEAL

I, Tena Snow, hereby file this Notice of Appeal from the final order of
PRINT NAME CLEARLY
the Jacksonville Historic Preservation Commission concerning Certificate of Appropriateness Number 23-29677. I

am (Please circle one):

(a)

The person who filed the application for the Certificate of Appropriateness;

(b) A person who owns, lives, or operates a business on property within 350 feet of the property which has been granted or denied the Certificate of Appropriateness;

(c) A person, other than a member of the City Council, who provided a written statement or who testified before the Historic Preservation Commission *and* who is suffering or will suffer an adverse effect to an interest protected or furthered by Chapter 307, Ordinance Code. The statement must have been in writing, expressing a position on the merits of the application for the Certificate of Appropriateness, other than a petition, such as a letter, a memo or an e-mail, containing a reference to the specific application number and the name and mailing address of the person making the statement. The statement must have been specifically addressed to the City's Chief, Comprehensive Planning Division, or any member of the Historic Preservation Commission (with a copy to the Chief, Comprehensive Planning Division), and which was delivered to and received by the City's Planning and Development Department by hand delivery, mail, facsimile, or e-mail at least two working days before the public hearing at which the Commission took final action on the application for the Certificate, or which is read into the record at the public hearing, or distributed to the Commission at the hearing, with a copy to the Commission's staff.

III. SUPPORTING DOCUMENTS

To complete your Notice of Appeal, you **must** submit the following documents with this form:

(1) A copy of the Final Order on the Certificate of Appropriateness you are appealing.

(2) If you circled II(c) above, you must provide a statement of your interest sufficient to show how you are or will be *adversely* affected by the Commission's decision. Please provide this statement in the space below. If you need additional space, please attach a separate sheet.

Please see attached

(3) A description of the specific error(s) you believe the Commission committed. Please provide this description in the space below. If you need additional space, please attach a separate sheet.

Please see attached

(4) The list of the persons (names and complete addresses), certified by the Commission's staff, who testified before the Commission about the application for the Certificate, or who provided a written statement to the Commission about the application. (You must pay a \$7.00 notification fee for each person on the list.)

IV. FILING AND NOTIFICATION FEES

Section 307.203, Ordinance Code, requires persons appealing Final Orders on Certificates of Appropriateness to pay filing and notification fees. These fees must be paid at the time your Notice of Appeal is filed with the Legislative Services Division or your Appeal will not be accepted. You may include the filing and notification fees in one payment. Make checks payable to TAX COLLECTOR.

Filing Fee: ~~\$800.00~~ 550.00 ^{ML}
Notification Fee: \$7.00 for each notification.

V. Contact Information

Please complete the following:

Name (Printed): Tina Snow / CG Consulting and Design
Address: 7999 Philips Hwy, Suite 309
Jax, Fl. 32256
Daytime Phone Number: 904-294-5494
Evening Phone Number: 904-888-0339
E-mail address: tina@jaxsmarthome.com

VI. CERTIFICATION

Please read, sign and date the following statement:

I have read and understand the information contained in this Notice of Appeal. I hereby certify that I have provided all the information required under §307.203, Ordinance Code, I understand that if this Notice of Appeal is incomplete, my appeal will not be processed until it is complete, and that it may be rejected for incompleteness. I further certify that all my statements in this Notice of Appeal are true and correct to the best of my knowledge.

Tina Snow
Signature

10-30-23
Date



Planning and Development Department

Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202

NOTICE OF CERTIFICATION

RE: Certified Final Order for COA-23-29677

DATE: October 30, 2023

Please find attached:

- Certified final order for COA-23-29677, from the September 27, 2023 Historic Preservation Commission meeting

If there are any questions, please contact me at (904) 255-7800.

Arimus T. Wells, City Planner Supervisor
Community Planning Division, Historic Preservation Section
Planning and Development Department

BEFORE THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF
JACKSONVILLE

CERTIFICATE OF APPROPRIATENESS APPLICATION NO.: **COA-23-29677**

IN RE: The Certificate of Appropriateness Application of:

Address: 1764 Greenwood Avenue, RE# 092666-0000

**Owner: Mark Protheroe
1764 Greenwood Avenue
Jacksonville, FL 32205**

**Applicant: Tina Snow
CG Consulting and Design, Inc.
7999 Phillips Highway, Suite 309
Jacksonville, FL 32256**

ORDER ON COA-23-29677: DENIED

Having duly considered both the testimonial and documentary evidence presented at the meeting and public hearing **September 27, 2023**, including the COA Application and the Planning and Development Department's Staff Report and Recommendation and all attachments thereto ("Staff Report"), a portion of which is attached hereto as **EXHIBIT A**, and **on file** in its entirety in the Planning and Development Department, the Jacksonville Historic Preservation Commission hereby

FINDS AND DETERMINES:

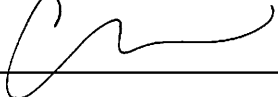
1. That the applicant did comply with the procedural and application requirements set forth in Section 307.106 of the Jacksonville Ordinance Code; and
2. That as stated in the record, substantial competent evidence demonstrates that application **COA-23-29677** does not meet the standards and criteria set forth in Section 307.106 of the Jacksonville Ordinance Code; and
3. That the findings and recommendations in the Staff Report for application **COA-23-29677**, to the extent consistent with this **Order**, are hereby adopted and incorporated herein; and
4. That the land which is the subject of application **COA-23-29677** is owned by **Mark Protheroe**.

NOW THEREFORE, it is **ORDERED** by the Historic Preservation Commission:

Application **COA-23-29677** is hereby **DENIED**.

Executed this 11th day of October, 2023.

FORM APPROVED:



Carla A. Lopera
Office of General Counsel



Jack C. Demetree, III
Chairman
Historic Preservation Commission

Copy to:

Owner: Mark Protheroe
1764 Greenwood Avenue
Jacksonville, FL 32205

Applicant: Tina Snow
CG Consulting and Design, Inc.
7999 Phillips Highway, Suite 309
Jacksonville, FL 32256

NOTICE OF RIGHT TO APPEAL. Persons listed in Section 307.202, Ord. Code, may appeal this decision to the City Council within twenty-one (21) days of the date of this Order by filing a Notice of Appeal with the Legislative Services Division of the Council as required by section 307.203, Ord. Code. Failure to file a Notice with the Legislative Services Division within the time prescribed waives the right to appeal this Order.

GC-#1592060-v1-Final_Order_COA-23-29677_9_27_23.docx

EXHIBIT A

September 27, 2023

Report of the Jacksonville Planning and Development Department
Certificate of Appropriateness Application COA-23-29677

Address: 1764 Greenwood Avenue, RE# 092666-0000

Location: South side of Greenwood Avenue, between Saint John's Avenue and Oak Street

Owner: Mark Protheroe
1764 Greenwood Avenue
Jacksonville, Florida 32205

Applicant: Tina Snow, CG Consulting and Design, Inc.
7999 Philips Highway, Suite 309
Jacksonville, Florida 32256

Year Built: c. 1926 (*Property Appraiser*)

Designation: Riverside Avondale; Contributing

Request: Window Replacement (*After-the-fact*)

Summary Scope of Work:

1. Wholesale Window Replacement

Recommendation: Deny

Corrective Actions:

1. The removal of vinyl windows shall be done with care to ensure the least amount of damage and shall be secured in a manner that does not damage the historic casing and trim.
2. Any trim that needs to be replaced as part of the work shall match the historic material and design.
3. All new windows shall fit the original openings both horizontally and vertically and be recessed within the opening (not flush with the wall).
4. All new windows shall be wood, wood-clad, or wood blend (no vinyl).
5. All new windows shall have manufacturer-installed exterior raised muntins with a six-over-one window design (no interior muntins or adhesive muntins).
6. Upgrading performance by including weather stripping and interior storm windows may be included.
7. All windows shall be installed in accordance with the 2023 Window Supplement. Prior to the final inspection of any building permit, the owner or their agent shall submit to the

Historic Preservation Section an affidavit and any supplementary evidence that verifies compliance with all conditions of the COA final order.

PROJECT DESCRIPTION

COA-23-29677 is for after-the-fact wholesale window replacement on a contributing structure within the Riverside Avondale Historic District. The primary structure on the property is a Colonial Revival-style two-story single-family residential structure. The residence can be characterized by its brick finish, shingled hipped roof, six-over-one windows, and small covered entry porch. Based on the submitted window survey form, thirty-five (35) windows on the structure were replaced with new vinyl windows with interior muntins. Six (6) of the windows were stated to be metal windows, while the remaining were stated to be wood windows. As proposed, the applicant is seeking approval for the after-the-fact replacement of all thirty-five windows with interior-muntin vinyl windows on a contributing structure.



STAFF SUMMARY AND ANALYSIS

Staff considered the applicable Design Guidelines for the Riverside Avondale Historic District and the Ordinance Code criteria found in Sections 307.106(k) and 307.106(l). The following is the Staff's analysis:

- Based on the site visit conducted September 18th, 2023, Staff was able to confirm that all of the historic windows on the structure have been replaced with either nine-over-nine interior muntin vinyl windows or one-over-one windows. The homeowners stated that to the best of their knowledge, there were no restoration practices initiated on the windows prior to their removal. However, one of the homeowners inherited the home from a relative, so they are able to recall some of the conditions of the windows.
- Since the windows were never inspected by Staff, the Historic Preservation Section was unable to assess/inspect the condition of the windows prior to their removal. As such, Staff are unable to determine if the wholesale window replacement was warranted. The most amendable way to rectify the violation is to ensure the current vinyl windows are removed and replaced with a wood or wood-blend window product.
- As Staff was unable to inspect the windows prior to their removal, the Historic Preservation Section is unable to determine whether the windows were beyond repair. If the windows were repairable, the proposed scope of work would be inconsistent with Section 307.106(l)(6) and the Design Guidelines which states that deteriorated architectural features shall be repaired rather than replaced whenever possible.
- The property has an active building permit for window replacement which is in "temporary status" (B-23-662705). The permit was applied for some time in July, however, it was never finalized or reviewed.
- Based on a search of the Historic Preservation Section's database, there is no record of the windows being replaced or repaired in the past. As such, there is no documentation or evidence that the windows were ever previously replaced.
- According to the Property Appraiser's website, the property was purchased in February of 2023.
- By replacing all of the historic wood windows, a significant portion of the character of the structure has been removed and replaced with a historically inappropriate product, which is inconsistent with Section 307.106(l)(2).
- Historic wood windows are a significant part of the architectural character of a structure and its contribution to the district. The Historic District Design Guidelines on Windows note "Windows in the districts are often important stylistic elements." They are a character-defining feature and the loss of historic wood windows, when their replacement is not necessary, is inconsistent with Chapter 307.106(k)(1 and 3).

For these reasons, it is the position of the Planning and Development Department that the proposed work is inconsistent with:

1. Section 307.106(k) General Standards: 1 and 3
2. Section 307.106(l) Guidelines on "Alterations": 2 and 6
3. Historic District Design Guidelines, Section on "Windows"

CODE CRITERIA AND DESIGN GUIDELINES

General Criteria-

- 307.106(k)(1) - The effect of the proposed work on the landmark, landmark site or property within an historic district upon which such work is to be done;
- 307.106(k)(3) - The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture and materials of the landmark or the property will be affected;

Alterations

- 307.106(l)(2) - The distinguishing original qualities or character of a building, structure, or site shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
- 307.106(l)(6) - Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. However, technologically advanced materials shall be considered and used as replacement alternatives. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

Historic District Design Guidelines, Section on "Windows, Awning, and Shutters"

- Windows, Recommend #1: "Retain and repair window openings, frames, sash, glass, lintels, sills, pediments, architraves, hardware, awnings, and shutters where they contribute to the architectural and historic character of the building."
- Windows, Recommend #3: "Replace missing or irreparable windows on significant elevations with new windows that match the original in material, size, general muntin, and mullion proportion and configuration, and reflective qualities of the glass."
- Windows, Avoid #3: "Removing window features that can be repaired where such features contribute to the historic and architectural character of a building."
- Windows, Avoid #6: "Replacing windows that contribute to the character of a building with those that are incompatible in size, configuration, and reflective qualities or which alter the setback relationship between window and wall."

PICTURE OF PROPERTY WITH POSTED SIGN





Planning and Development Department

Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202

NOTICE OF CERTIFICATION

RE: Certified Transcript of the September 27, 2023 Jacksonville Historic Preservation Commission Meeting

DATE: October 30, 2023

Please find attached:

- Certified Historic Preservation Commission Transcript for the September 27, 2023 meeting, including item COA-23-29677

If there are any questions, please contact me at (904) 255-7800.

A handwritten signature in black ink, appearing to read "Arimus T. Wells", is written over a horizontal line.

Arimus T. Wells, City Planner Supervisor
Community Planning Division, Historic Preservation Section
Planning and Development Department

149

1 want to stay out of this one.
 2 THE CHAIRMAN: How about an amendment to
 3 the motion?
 4 COMMISSIONER LOPERA: Yeah. You guys can
 5 amend my motion, just annihilate it, because --
 6 yeah, I mean, this is -- the way I look at
 7 this, you know, the building is -- you know,
 8 like the applicant said, it's -- in my mind, it
 9 looks pretty plain and simple with not a -- not
 10 a lot going for it. So whatever excuse we can
 11 have to get rid of those windows, whether it's
 12 equipment or --
 13 COMMISSIONER EPSTEIN: Look at that parti.
 14 Look at that up there, you know? Look at that.
 15 THE CHAIRMAN: Perfectly aligned.
 16 COMMISSIONER LOPERA: Well, go ahead and
 17 annihilate my motion.
 18 (Simultaneous speaking.)
 19 THE CHAIRMAN: You're (inaudible) --
 20 COMMISSIONER GREGORY: Are we going to
 21 require staff --
 22 COMMISSIONER EPSTEIN: I think, yeah.
 23 COMMISSIONER GREGORY: Are we going to
 24 require -- require staff approval of
 25 whatever -- you know -- you know, a false
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

150

1 window, we'll call it, we're putting there?
 2 COMMISSIONER EPSTEIN: I think it needs
 3 to -- yes, it needs to have staff approval.
 4 And, you know, they -- they can submit it, but
 5 I think it needs to be something that is set
 6 back from the existing facade adjacent to it so
 7 that it still has the appearance of a void and
 8 it has a distinguishing finish from the
 9 adjacent facade around it, again, so that it
 10 distinguishes from the -- the rest of that --
 11 and they did say they'd put the whole windows
 12 [sic] back in the front, so --
 13 COMMISSIONER GREGORY: For the entry door.
 14 COMMISSIONER EPSTEIN: Yeah, for the entry
 15 door. So -- give me a second. I'm --
 16 MS. LOPERA: If I could just restate --
 17 the original motion was to approve with all
 18 conditions except for Number 1. That's what
 19 you would be amending.
 20 COMMISSIONER EPSTEIN: Okay. So I think,
 21 then, the motion is to approve with the
 22 amendment to Condition 1, that the front window
 23 entry be maintained as it is, and the window on
 24 the front elevation to the right can become
 25 enclosed as long as it is recessed back from
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

151

1 the adjacent facade to mimic the window parti
 2 above, and has a distinguished materiality
 3 different from the facade adjacent to it.
 4 MS. LOPERA: To be approved by --
 5 COMMISSIONER EPSTEIN: To be --
 6 MS. LOPERA: -- staff?
 7 COMMISSIONER EPSTEIN: -- approved by
 8 staff.
 9 COMMISSIONER FRICK: Second.
 10 THE CHAIRMAN: All those in favor?
 11 COMMISSION MEMBERS: Aye.
 12 THE CHAIRMAN: Those opposed?
 13 COMMISSION MEMBERS: (No response.)
 14 THE CHAIRMAN: We'll take a vote on the
 15 motion as amended.
 16 All those in favor?
 17 COMMISSION MEMBERS: Aye.
 18 THE CHAIRMAN: Those opposed?
 19 COMMISSION MEMBERS: (No response.)
 20 THE CHAIRMAN: Hearing none, you have
 21 approved COA-23-29241.
 22 And with that, we're moving on to
 23 Section H, work initiated or completed without
 24 a COA, CAO-23-29677, 1764 Greenwood Avenue.
 25 MR. ANDERSON: COA-23-29677 is for the
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

152

1 after-the-fact wholesale window replacement on
 2 a contributing structure within the Riverside
 3 Avondale Historic District.
 4 The primary structure on the property is a
 5 Colonial Revival style, two-story,
 6 single-family residential structure. The
 7 residence can be characterized by its brick
 8 finish, shingled hip roof, 6-over-1 windows,
 9 and small covered entry porch.
 10 Based on the submitted window form, 35
 11 windows on the structure were replaced with
 12 vinyl windows with interior muntins. Six of
 13 the windows were stated to be metal windows,
 14 while the remaining were stated to be wood
 15 windows.
 16 As proposed, the applicant is seeking
 17 approval for the after-the-fact replacement of
 18 all 35 windows with interior muntins, vinyl
 19 windows on a contributing structure.
 20 THE CHAIRMAN: Questions for staff?
 21 COMMISSION MEMBERS: (No response.)
 22 THE CHAIRMAN: All right. We'll open the
 23 public hearing.
 24 (Audience member approaches the podium.)
 25 THE CHAIRMAN: If you'll state your name
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

1 and address for me.
 2 AUDIENCE MEMBER: My name is Cary Grimm.
 3 I'm with CG Consulting and Design.
 4 The -- one of the property owners is here
 5 as well.
 6 THE CHAIRMAN: All right. And she's going
 7 to swear you in real quick.
 8 THE REPORTER: If you would raise your
 9 right hand for me, please.
 10 MR. GRIMM: (Complies.)
 11 THE REPORTER: Do you affirm that the
 12 testimony you are about to give will be the
 13 truth, the whole truth, and nothing but the
 14 truth?
 15 MR. GRIMM: Yes, ma'am.
 16 THE REPORTER: Thank you.
 17 THE CHAIRMAN: Welcome.
 18 MR. GRIMM: All right. So we did -- we
 19 were -- we approached the homeowners. They --
 20 they needed the windows. Their windows were
 21 dilapidated, they had rotting, water
 22 infiltration to the house, and some -- in some
 23 areas, and so there was a great necessity for
 24 new windows.
 25 So we took care to get windows that
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

1 actually matched the grids or the -- the
 2 muntins in the windows that are, you know,
 3 from -- an eye's view from the street, look
 4 exactly the same as the other ones. The
 5 other -- the original windows were of a square
 6 contour with a glazing bead that was -- that
 7 has a contour, of course, to the glass. These
 8 windows are exactly the same, so you cannot
 9 visually see a difference in these -- in these.
 10 The only difference you can see is you don't
 11 see wavy glass as you would in an antique
 12 window. So, I mean, we took the care to do
 13 that.
 14 I, personally -- I've -- I've done over
 15 1,500 historical homes. I was on a
 16 preservation [sic] in Michigan, Ohio, and
 17 Indiana. I've been a contractor for 36 years.
 18 So, I mean, we took care in -- in taking care
 19 of this. Their -- the paperwork was an
 20 oversight, so it was not an intentional thing,
 21 so --
 22 We have walked the neighborhood, looked at
 23 several different properties, and there's --
 24 which I have colored pictures of here if
 25 anybody wants to see them. And there's one,
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

1 two, three, four, five, six, seven, eight --
 2 I've got nine different properties that I
 3 just -- I brought pictures to, but there's
 4 several more that do not have the original
 5 windows in the house that are -- that are
 6 within the last five to fifteen years.
 7 Now, the society itself has only been
 8 keeping record of these things, I think, from
 9 2008.
 10 So, with that, you know, we believe that
 11 it's in the best interest for the homeowner.
 12 Wood windows -- you have seven different wood
 13 window manufacturers that will -- that will
 14 manufacture a window that -- normally,
 15 throughout the country, work for a historical
 16 society. In the state of Florida, you have
 17 three of reputable -- that are anywhere near
 18 reputable. The difference is, is that those
 19 windows are anywhere from 2,900 to \$3,500 a
 20 piece. They are 30 percent less efficient than
 21 a vinyl window. They are not carbon neutral.
 22 They do not have the same air infiltration
 23 ratings.
 24 Our windows are 15 times better than any
 25 wood window that could be put in the house. So
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

1 it saves them money, better on energy.
 2 They're -- they're never going to have to
 3 replace them again. They visually look like
 4 the windows that came out of the house.
 5 So in doing this, overall, for the -- for
 6 the home, for the neighborhood -- these folks
 7 have taken time to fix up the yard, fix up the
 8 house. The house next door is dilapidated.
 9 You have several in the neighborhood that are a
 10 straight eyesore to the neighborhood. These
 11 folks are taking time and money to fix up the
 12 house. And if you stand back and look at the
 13 windows, you can't tell the difference.
 14 There's a couple of houses in the
 15 neighborhood, they have windows very similar to
 16 theirs, what they had. And I held the pictures
 17 right there. You stand in the street, you
 18 cannot tell the difference.
 19 So we're not -- we're upgrading the
 20 neighborhood. We're maintaining the integrity
 21 of the view. So we are conscious of that.
 22 We're just asking that these folks can do that
 23 without having to drop \$200,000 in inferior
 24 windows.
 25 THE CHAIRMAN: All right. We'll call you
 Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

157

1 back up if we need you.
2 COMMISSIONER LOPERA: I did have one
3 comment, through the Chair. I guess
4 considering that you had been on commissions,
5 historical commissions before, and considering
6 you've done this in multiple states, you know,
7 we -- I would, you know, hold that to a higher
8 standard than I would when homeowners do this
9 and they are not aware of the permitting
10 process.
11 So that's something that -- having done
12 this nationally, that you would have known
13 about window muntins, you would have known
14 about the materials of original windows
15 compared to newer windows. You would have
16 known about wood clad windows. That's all
17 information that you would have known as a
18 contractor. So I, you know, would take that
19 into account when -- you know, as we're
20 discussing this matter.
21 MR. GRIMM: Yes, sir. I mean -- by all
22 means. We -- it was a complete oversight on
23 our part, we're aware of that.
24 You know, in trying to keep the integrity
25 of the house -- now, when we -- you know, as
Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

158

1 folks that are very familiar with this industry
2 as well, you know, when you pull these windows
3 out, when you do a wood window, you -- you harm
4 the integrity of the -- you know, you have
5 fluted trim, you have beveled trim, you have
6 all kinds of trim that is associated with a
7 house of this age. There's -- you actually
8 harm much less of the house doing this type of
9 installation than you would with a wood
10 installation.
11 So, I mean, it's -- wood windows are
12 painted with a semi-gloss, like a satin paint.
13 Standing back, you're -- it's going to
14 literally -- it looks exactly the same.
15 I -- it was my understanding as well
16 that -- I mean, in my experience as well,
17 that -- you know, it's the front preservation
18 that is normally the focal point. You know, I
19 would -- I would think that everybody in this
20 room could stand back at the street and look at
21 it and go, you really can't tell the
22 difference.
23 I mean, you have -- when you have the
24 wood -- wood grids that are actually -- that
25 stand outside of the glass, the first thing to
Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

159

1 be bug-infested, the first thing to rot. This
2 is just -- I mean -- and as time goes on, wood
3 windows -- I'm -- like I said, it would --
4 been -- we've probably all been around this
5 industry for a little bit. Wood windows are
6 going to be something that are not going to
7 exist forever, so there's --
8 THE CHAIRMAN: I do understand that, but,
9 unfortunately, that's -- that is our standards.
10 I mean, we go through windows every single
11 meeting. And every single meeting, we tell
12 people, sorry, you can't replace them. Every
13 single meeting, it's, hey, you've got to get
14 them repaired. And we have no evidence at all
15 of what was there, which really kind of puts us
16 in a tight spot because our position on this
17 issue has to be, would we have approved it,
18 not --
19 It's unfortunate for us sometimes because
20 we have to try and take the homeowner into
21 consideration, but we're not supposed to -- our
22 situation is strictly, hey, would you have
23 approved this from the (inaudible), and we
24 have -- with zero evidence of what the windows
25 looked like, it's impossible, just about, for
Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

160

1 us to say, no, we wouldn't -- you know, we
2 would have, so -- but we'll call you back up.
3 MR. GRIMM: Sure. Thank you.
4 COMMISSIONER EPSTEIN: Through the Chair
5 to the applicant --
6 MR. GRIMM: Yes, ma'am.
7 COMMISSIONER EPSTEIN: -- I'm interested,
8 because of any historic project I've worked on
9 or historic district, they do not allow the
10 mullions in between the glass. They always
11 will require an exterior applied. Is that
12 something, in your previous experience where
13 you've worked, that they allow?
14 I just -- I have not heard of that before.
15 That ends up being a big poo-poo because -- you
16 can see exactly here with the reflection from,
17 you know, the glare on the glass and the tint
18 of the glass, it does not look like your
19 standard, you know, 3D --
20 MR. GRIMM: To create the shadow line.
21 COMMISSIONER EPSTEIN: Yes.
22 MR. GRIMM: So, yeah, in my -- in my past
23 experience I had out of -- out of Michigan,
24 Indiana, Ohio, where I did the majority of
25 my -- of my professional work, you had places
Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

161

1 in -- in historic Detroit, places in historic
2 Grand Rapids, some places, you know, in Toledo
3 that -- because the way they divide things up
4 there, where -- in some cases it was, you know,
5 very important. It was more of the actual
6 aesthetics. If you could hold them side to
7 side and it was like you didn't see a
8 difference in it, it was -- it was on the table
9 for discussion.

10 THE CHAIRMAN: I know we've said it's an
11 oversight, but, I mean, I -- just judging by
12 your past work history, did you not think to
13 ask? I mean, I -- that is surprising to me.

14 MR. GRIMM: So we do a pretty large number
15 of -- of jobs. And so, you know, with that,
16 you know, it -- there could have been more due
17 diligence on our part to -- to look further
18 into it, and it's just -- you know, we accept
19 responsibility for that.

20 You know, we're just -- now sitting where
21 we're sitting, we're saying, listen, I mean,
22 it's not -- we're not taking away from this
23 neighborhood by -- by -- here, you know, we're
24 asking that -- to give the -- you know, the
25 homeowner some grace, some mercy on it. I

Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

162

1 mean, obviously, we'll -- we do what we have to
2 do.

3 THE CHAIRMAN: All right. Any more
4 questions at the moment?

5 COMMISSION MEMBERS: (No response.)

6 THE CHAIRMAN: All right. We'll call you
7 back up.

8 MR. GRIMM: Thank you.

9 THE CHAIRMAN: Thank you.

10 (Audience member approaches the podium.)

11 THE CHAIRMAN: If you will just state your
12 name and address.

13 AUDIENCE MEMBER: Hi. My name is Mark
14 Protheroe. My nickname is Marcos. And I'm the
15 owner of 1764 Greenwood Avenue.

16 THE CHAIRMAN: She's going to swear you in
17 real quick.

18 THE REPORTER: If you would raise your
19 right hand for me, please.

20 MR. PROTHEROE: (Complies.)

21 THE REPORTER: Do you affirm that the
22 testimony you are about to give will be the
23 truth, the whole truth, and nothing but the
24 truth?

25 MR. PROTHEROE: I do.

Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

163

1 THE REPORTER: Thank you.

2 MR. PROTHEROE: Right and Honorable
3 members of the Commission, thank you for giving
4 me an audience.

5 I have handouts for you. May I approach?

6 THE CHAIRMAN: Yes.

7 MR. PROTHEROE: (Tenders documents.)

8 THE CHAIRMAN: You're good.

9 MR. PROTHEROE: My family has occupied
10 this structure since 1964. In recent years, we
11 have done some well-needed repairs and
12 renovations to the house. In the first
13 picture, that's the living room and that's the
14 result of our effort.

15 The house was built in 1926, and we've
16 bought a bunch of antiques to kind of bring
17 that feel of the '20s, and the -- and the
18 original nature to the structure. And as part
19 of that bigger renovation project and
20 preservation project, we contracted CG
21 Consulting and Design to replace our windows.

22 There was major deterioration. There was
23 rotten wood. There was glass separation,
24 rainwater coming in. And, of course, paint
25 sealing -- you could walk around -- walk by

Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

164

1 some windows and they had a gap, and you would
2 have to break the window to close that gap, and
3 a lot of alligator texture to lead paint,
4 and -- but we wanted to correct that situation.

5 The wood was unfinished in these windows.
6 If you go into the RAP house, they went back
7 and they stained and varnished the -- their
8 windows on the interior. But on these windows,
9 that wasn't the case. In three instances -- in
10 the breakfast room and then in the kitchen,
11 there weren't wooden -- wooden windows. There
12 were jalousie windows that were popular during
13 the '50s and '60s. And if you've ever grown up
14 in a house with jalousie windows, it's cold,
15 particularly in the -- in those rooms.

16 You can see on picture 2, there is
17 extensive wood glue on one of the windows, to
18 give you at least a little idea of the damage
19 we were -- we were facing.

20 We contracted -- on Page 3, we contracted
21 with the aforementioned company, and -- it's
22 highlighted -- you have the clause, "We will
23 provide permits and call inspections as
24 required by Code."

25 We were also proactive on -- upon

Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

165

1 contracting the present company of reminding
2 them of the historic commission. We -- hey, we
3 get letters from them; there's regulations that
4 have to be followed.

5 The new windows are in the style of the
6 neighborhood. It's a -- I think the Commission
7 calls it a -- six-one [sic] lites, where you
8 have six smaller panels up top and a big panel
9 on the bottom. And there are several houses
10 within walking distance that are of that same
11 style, old and new.

12 We agree with the initial inspector,
13 Shonnenberg [sic]. I know I'm slaughtering his
14 name, but he found that there was no malice or
15 deception on the part of the homeowner, and his
16 goal was to make the owner whole again. We --
17 we agree. And we implore the Commission not to
18 excessively punish the homeowner.

19 We were proactive in reminding the
20 company, that, hey, there are rules and
21 regulations about this. And it would just seem
22 unfair that we'd be -- we would be personally
23 slapped with a fine or -- in order to rip out
24 the windows and have to go through -- our lives
25 being turned upside down again about another

Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

166

1 installation. And, plus, we don't have the
2 money.

3 And so I -- I thank the Commission for its
4 time. If you have any questions, I would
5 certainly welcome them, and -- but as far as my
6 presentation, I yield -- Mr. Chairman, I yield
7 the remainder of my time.

8 THE CHAIRMAN: Thank you.

9 MR. PROTHEROE: Thank you.

10 THE CHAIRMAN: Any questions for the
11 applicant before he leaves?

12 COMMISSION MEMBERS: (No response.)

13 THE CHAIRMAN: All right. Thank you.

14 Is there anybody else here to speak on
15 this COA?

16 AUDIENCE MEMBERS: (No response.)

17 THE CHAIRMAN: We will close the public
18 hearing, and I'll entertain a motion.

19 COMMISSIONER LOPERA: Motion to deny
20 COA-23-29677.

21 COMMISSIONER EPSTEIN: Second.

22 THE CHAIRMAN: Okay.

23 COMMISSIONER EPSTEIN: To staff, I mean,
24 we're supposed to rule on this as if they are
25 asking for this, and we don't have any evidence

Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

167

1 of what -- I mean, this picture -- this picture
2 doesn't paint the whole story. It doesn't look
3 even that bad, that -- what we've seen, we've
4 denied, even similar.

5 You know, I always -- we always have, you
6 know, sympathy for owners who go out and
7 request for windows to be done, and -- and
8 they're not entirely sure of the permitting
9 process. I don't know how replacing windows
10 doesn't trigger -- in the neighborhood, doesn't
11 trigger a permit to come up with -- if they
12 don't have a COA, but it seems like it happens
13 all the time.

14 COMMISSIONER LOPERA: I agree with
15 Commissioner Epstein. It does -- it seems like
16 it's happening just as much as it was before.
17 You know, we bring up the same issues every
18 time it does happen. And, unfortunately, the
19 homeowner is, you know, left at --

20 AUDIENCE MEMBER: Is there a way --

21 COMMISSIONER LOPERA: I'm sorry?

22 MS. LOPERA: He closed the public hearing.

23 AUDIENCE MEMBER: Okay.

24 COMMISSIONER LOPERA: So, unfortunately,
25 the homeowner is left to accept the

Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

168

1 consequences for something that was not their
2 actions. The homeowner here entrusted the
3 contractor to know about the building permits.
4 And it clearly says here, "We will provide
5 permits and call inspections as required by
6 Code." And that's their responsibility.

7 And, yes, I agree with Commissioner
8 Epstein that we would not approve this final
9 product with the -- with the embedded muntins
10 within the glazing, and -- yeah, with no
11 evidence of what was there before. You know,
12 usually we'll get, you know, a package with
13 dozens and dozens of photos of every single
14 window.

15 And regarding the general contractor's
16 stance that we only care about the front of
17 the -- the front elevation, that's not entirely
18 correct. You know, when we do window
19 replacements, we're looking at every window on
20 every elevation.

21 So that being said, that's -- those are
22 the -- that's what I would provide for why we
23 would deny this COA.

24 THE CHAIRMAN: I really have nothing to
25 add. I mean, that's what I would have said to

Diane M. Tropa, Inc., Post Office Box 2375, Jacksonville, FL 32203
(904) 821-0300

169

171

1 the applicant, what you guys have said as well.
 2 That's exactly how I feel, so --
 3 Anybody else?
 4 COMMISSION MEMBERS: (No response.)
 5 THE CHAIRMAN: All right.
 6 MS. LOPERA: Before you vote, it sounds
 7 like you're moving in the denial direction,
 8 could you opine on what you would like to see,
 9 to give staff some direction in working with
 10 the homeowner?
 11 MR. WELLS: If I may, too, I just want to
 12 interject here. So through the Chair to the
 13 Commission, one thing we've gotten into the
 14 habit of doing for denials, especially
 15 after-the-fact work, if you all decide to deny
 16 it, we're going to start applying corrective
 17 actions to this -- the staff report. So on
 18 Page 1 we have a list of different conditions
 19 that the applicant would need to perform in
 20 order to correct their violation, essentially.
 21 So, hopefully, that helps add to the discussion
 22 for what you would like to see.
 23 COMMISSIONER LOPERA: Through the Chair,
 24 thank you. That's -- I read through the
 25 corrective actions, and those are perfect. I
 Diane M. Tropia, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

1 As of right now, the application has
 2 been -- the staff report has been written.
 3 You're not necessarily taking a vote on this
 4 item, but we're just looking for you-all to
 5 sponsor the landmark so we can take ownership
 6 and control of it. We've been having some
 7 complications with the applicant responding.
 8 So, ultimately, again, the application is
 9 written; we just need some action to be taken.
 10 COMMISSIONER EPSTEIN: So you just need us
 11 to say we sponsor --
 12 THE CHAIRMAN: Sponsor. And it's just
 13 a -- at the end of the day, it's a fact-finding
 14 mission because -- as always, so --
 15 COMMISSIONER GREGORY: You said the
 16 applicant has been nonresponsive. Are they --
 17 do you know if they're still in favor of the
 18 landmarking?
 19 MR. WELLS: Through the Chair to
 20 Commissioner Gregory, yes, they are in favor.
 21 We're just having some issues with payment of
 22 some advertising fees, so -- that's it.
 23 COMMISSIONER EPSTEIN: So I move to
 24 sponsor the landmarking of LM-23-04.
 25 COMMISSIONER LOPERA: Second.
 Diane M. Tropia, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

170

172

1 wouldn't even add a period to any of that.
 2 THE CHAIRMAN: All right. There's a
 3 motion on the table, so all those in favor?
 4 COMMISSION MEMBERS: Aye.
 5 THE CHAIRMAN: Those opposed?
 6 COMMISSION MEMBERS: (No response.)
 7 THE CHAIRMAN: Hearing none, you have
 8 denied COA-23-29677.
 9 And with that, we're on to Section L,
 10 New Business. It's marked 5. It should be 4,
 11 but what are we going to do?
 12 MR. WELLS: So through the Chair, I
 13 believe we're on our last item of new business,
 14 the --
 15 THE CHAIRMAN: Correct.
 16 MR. WELLS: -- LM-23- -- so this is --
 17 this pertains to Landmark 23-04, located at 411
 18 Liberty Street. So just a little preface here.
 19 This structure was a part of two other
 20 structures, back in December, where the
 21 applicant sought to demolish all three. At
 22 that time, you-all voted to allow demolition
 23 for the two structures. The applicant was
 24 going to withdraw his demolition permit for the
 25 third structure to seek landmarking status.
 Diane M. Tropia, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300

1 THE CHAIRMAN: All those in favor?
 2 COMMISSION MEMBERS: Aye.
 3 THE CHAIRMAN: Those opposed?
 4 COMMISSION MEMBERS: (No response.)
 5 THE CHAIRMAN: Hearing none, you have
 6 sponsored the potential landmark.
 7 With that, we're up to information.
 8 MR. WELLS: So through the Commission, the
 9 last item is the 2024 JHPC's planning. So I
 10 just want to give you all a heads-up, that we,
 11 as staff, are going to start planning in terms
 12 of dates, room reservations, COA matrix
 13 updates, et cetera. So I just want to put this
 14 on your radar in terms of if there's any
 15 preferences or any concerns that you may have
 16 when we start charting out dates. So as of
 17 right now, we're going with the same schedule
 18 routine of doing the fourth Wednesday at
 19 3 p.m., most likely in one of these rooms, or
 20 if our new room is available, but just get with
 21 me, please, if you can, for next month, pending
 22 dates, drafting of it.
 23 MS. LOPERA: Public Works?
 24 MR. WELLS: And then nothing from Public
 25 Works.
 Diane M. Tropia, Inc., Post Office Box 2375, Jacksonville, FL 32203
 (904) 821-0300



Planning and Development Department

Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202

NOTICE OF CERTIFICATION

RE: Certified Final Order for COA-23-29677

DATE: October 30, 2023

Please find attached:

- Certified list of speakers and those that provided written comments regarding COA-23-29677, heard at the September 27, 2023 Historic Preservation Commission meeting

If there are any questions, please contact me at (904) 255-7800.

Arimus T. Wells, City Planner Supervisor
Community Planning Division, Historic Preservation Section
Planning and Development Department

September 27, 2023
Jacksonville Historic Preservation Commission
List of Speakers / Providers of Written Statements

COA-23-29677

Mark "Marcos" Protheroe
1764 Greenwood Avenue
Jacksonville, FL 32205

Tina Snow
CG Consulting and Design, Inc.
7999 Philips Highway, Suite 309
Jacksonville, FL 32256

Cary Grimm
CG Consulting and Design, Inc.
7999 Philips Highway, Suite 309
Jacksonville, FL 32256

Mr. Protheroe and Mr. Hughes feel that their voices are not being heard in consideration of JHPC final decision to deny approval of the Certificate of Appropriateness for replacement windows, post installation.

- Cost Prohibitive - Mr. Hughes was quoted in excess of \$100,000 to replace the windows with like windows to what has been installed.
- The windows replaced were rotted allowing water to damage the lath, plaster, moldings and hardwood floors of the home.
- Mold had begun to develop from the excess moisture which had our clients concerned about more extensive damage and repairs.
- The windows in the addition were not replaced because they are in good condition and without leaks.
- It is unlikely that the replaced windows were original to the home since the kitchen had Jalousie windows that were likely part of the first set of replacement windows from the 1950's.
- JHPC does not have records prior to 2008 on this home or others, yet "assume" that the windows replaced were original to the home.
- 8 of 10 homes on Greenwood Ave have replacement windows. None having a COA on file, that I could locate, showing that they had been approved for vinyl windows.
- The COA's for surrounding properties that I did find were for fencing or replacement roofs.
- Our homeowners have already experienced lower energy bills since having the replacement windows installed. Therefore, lower energy consumption means lowering their carbon footprint.
- No alternative options were offered by JHPC before handing down their final decision to deny. Our homeowners would really love to avoid having to tear out all their windows and would love a compromise of some sort.

In closing, most folks cannot afford to spend the sort of money necessary to purchase replacement windows that meet JHPC requirements for the Certificate of Appropriateness. I'm afraid of the overall deterioration that could occur to our historical areas if the homeowners cannot meet the stringent requirements of the Historic Preservation to do routine maintenance. One example of this is two doors down from our homeowners at 1754 Greenwood Ave. Thank you for your consideration with this matter.

Tena Snow

PICTURE OF PROPERTY WITH POSTED SIGN



1764 Greenwood Ave

Sept. '23



NOTICE OF PUBLIC HEARING
 THE CITY OF JACKSONVILLE HISTORIC
 PRESERVATION COMMISSION
 WILL HOLD A PUBLIC HEARING ON SEPT 27
 AT: 5:00 P.M. FOR APPROX. 2:30 P.M.
 A REQUEST FOR AFTER-DE FACTO MAPS REPLACEMENT
 THE HEARING WILL BE HELD AT:
113 WEST DANAL CT., LYNNWOOD-ROBERTS Pk. 
 FOR INFORMATION CALL: 255-7859

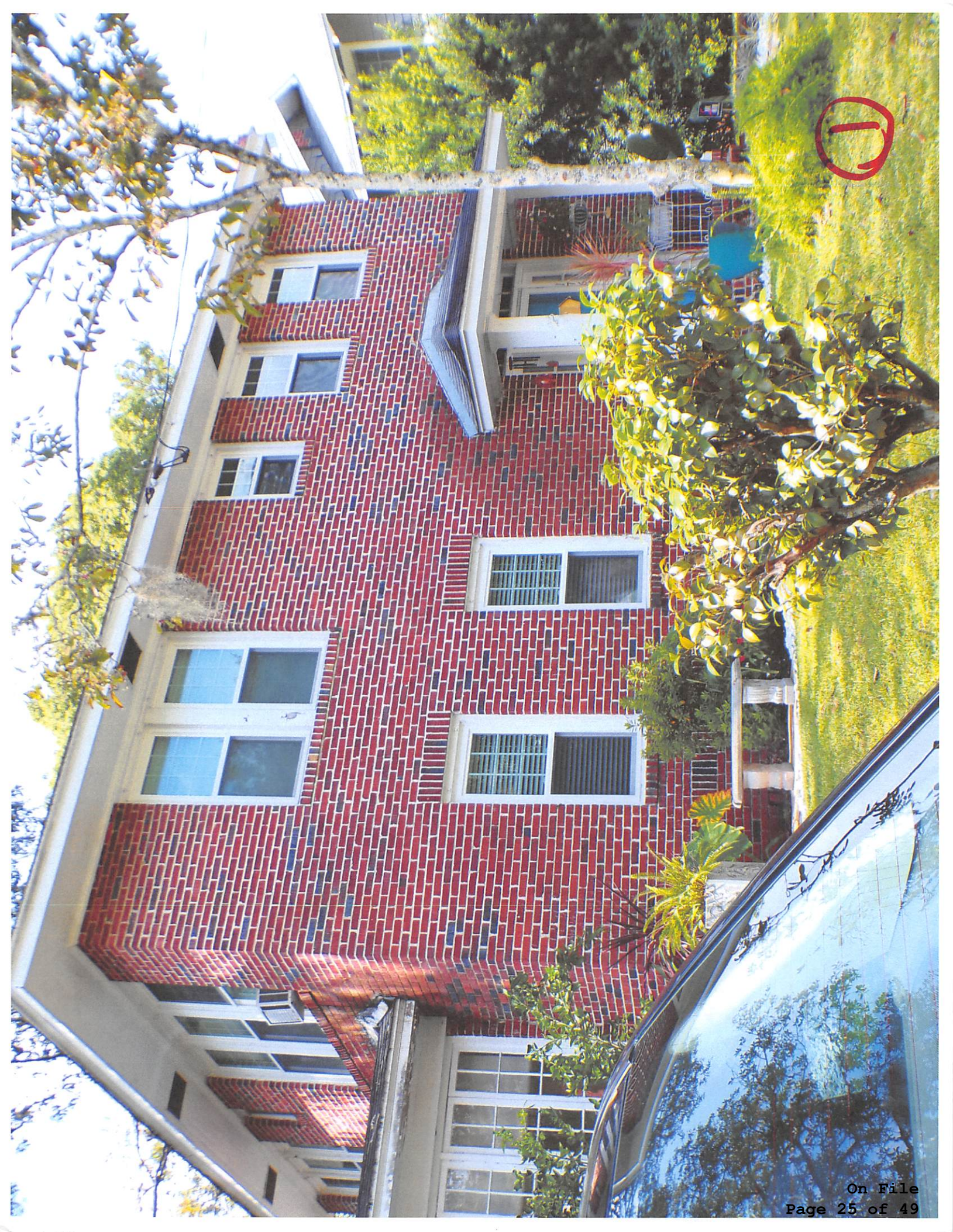
1764 Greenwood
 our house now

①



1764 Greenwood

201



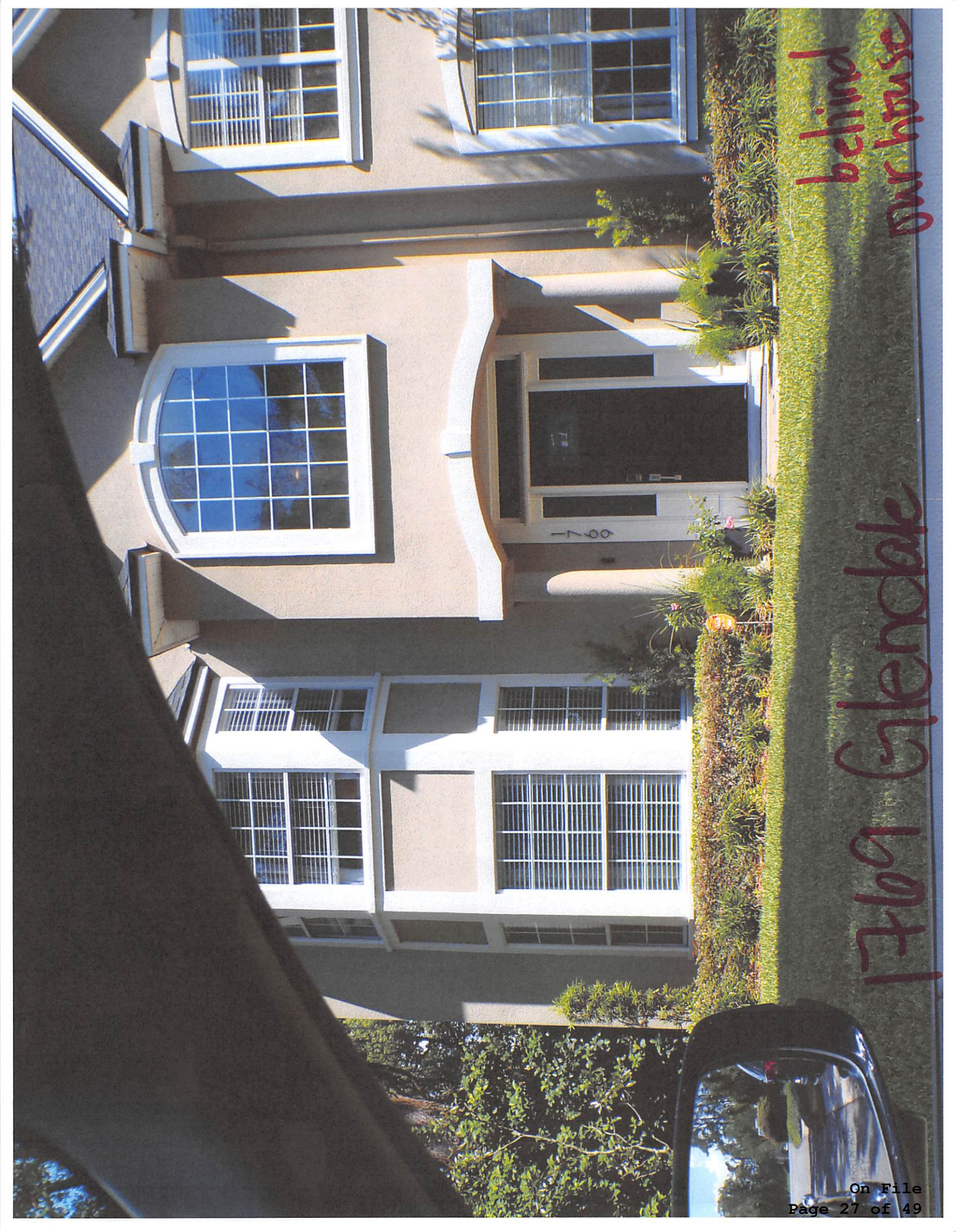
1



1759



1759 Greenwood across street



*behind
our house*

1769 Glendale



1754 Greenwood







LOYOLA UNIVERSITY MARYL...







1769

directly across street

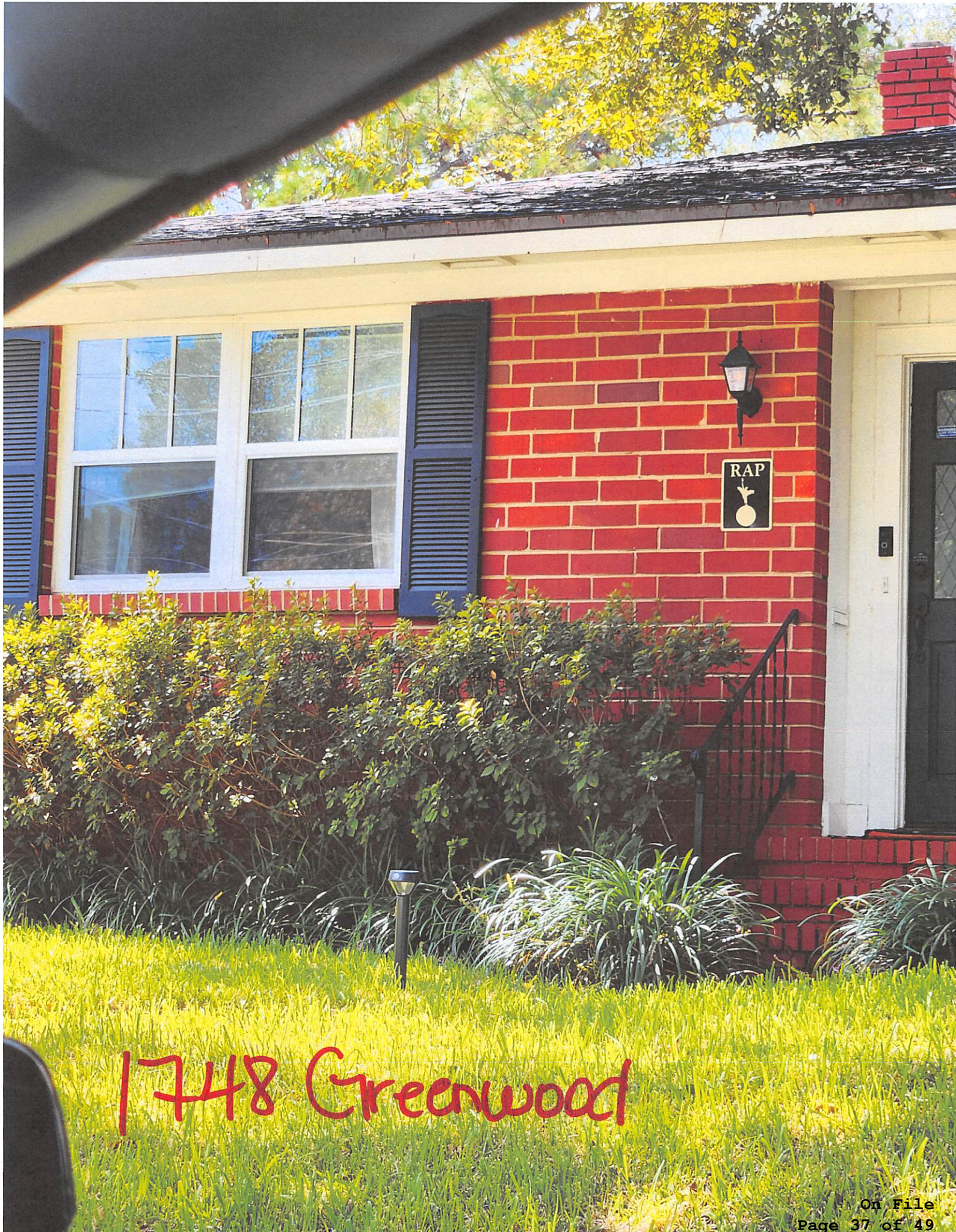
1769 Greenwood

directly
across
On File
Page 34 of 49





1758 Greenwood (next door)



1748 Greenwood



3882

NO SOLICITING
LOTTERING

3882 Oak Corner @ Greenwood



1756

behind
our house

1756 Glenwood

On File
Page 39 of 49



1763

RAP

1763 Pinegrove Ave



1745 Pinegrove















