GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE
1100 4th Street, SW, Suite E650, Washington, D.C. 20024

HPA No. 18-314

IN THE MATTER OF:

1627 Monroe Street, N.W.
Square 2610, Lot 749

DECISION AND ORDER

Homeowner Juergan Karl Zattler here applies for an after-the-fact permit to widen the front window opening on the first floor and to install new double-ganged Pella Architect Series six-over-six aluminum-clad windows. His house is in a row of nine house constructed together in 1937, which contribute to the Mount Pleasant Historic District. The opening was widened and the new window installed without a permit by the admitted mistake of the applicant’s contractor. After the completed work was cited by a Historic Preservation Office inspector, Mr. Zattler sought a permit, and the Historic Preservation Review Board held a hearing on June 28, 2018 and by a vote of 7 to 1 denied the permit. The Mayor’s Agent Hearing Officer (“HPRB”) held a hearing on May 21, 2019. The application must be DENIED.

The applicant argues that the wider, new window installation should be permitted because it is consistent with the purposes of the Act in that it permits more light to enter his dwelling and is an attractive high-quality window. ANC 1B supported this argument before the HPRB. The Historic Preservation Office (“HPO”) staff report noted that the Window Guidelines strongly disfavor enlarging windows in the front of a contributing building and that the fenestration is otherwise consistent along the nine houses in the row. A representative of Historic Mount Pleasant opposed granting the permit and expressed concern that allowing it would make it difficult to prevent future changes to row house facades. On the other hand, the staff report noted that the nine houses are late in the Mount Pleasant period of significance and architecturally modest. Moreover, the staff report stated that “the chosen windows are compatible replacements.” The HPRB thus was presented with a question of judgment and the transcript of its hearing shows that the members carefully considered the case. One member stated that he could not “approve replacing an original window from the period of significance with something that appears to be out of character, both with that house and its neighbors.” HPRB Tr. 44-45.

The Mayor’s Agent generally defers to the expertise of the HPRB on questions of style and the compatibility of alterations to contributing buildings. In a prior case, the Mayor’s Agent stated:

These are all questions of judgment and degree. Our Act depends primarily on the expertise and care of the HPRB and staff to make such judgments to safeguard the cultural inheritance of the people of the District of Columbia. ... [T]he Mayor’s Agent does not accord the HPRB’s decisions any formal deference, such as a court affords the decisions of the Mayor in historic preservation cases or the decisions of responsible administrative agency in other cases. Nonetheless, the members of the HPRB are chosen for their expertise and interest in historic preservation and are confirmed by the District of Columbia Council. The Mayor’s
Agent by contrast is a neutral figure with no necessary expertise in historic preservation who applies the law to protect the individual and public rights the Act recognizes. 2225 California St., NW, (Feb. 13, 2013), H.P.A. No. 11-472, at http://www.law.georgetown.edu/library/collections/histpres/get-document.cfm?id_no=229&display=text.

The HPRB did not make an error of law nor did it act irrationally in following the Window Guidelines to deny the permit the installation of larger windows that depart from the original style of the house and its eight counterparts. It may well be that larger, more modern windows should be allowed to be installed on aesthetically modest houses like the one at issue here, but such a decision should not be made piecemeal by the Mayor’s Agent. The HPO and HPRB have the better expertise to make exceptions and also could amend the Window Guidelines to be more permissive for less architecturally significant buildings. Of course, the Mayor’s Agent cannot apply a more lenient standard because the windows have already been installed without fatally undermining the permit system.

Accordingly, the permit is **DENIED**.

Date: July 26, 2019

J. Peter Byrne
Mayor’s Agent Hearing Officer

Confirmed:

Andrew Trueblood
Director, D.C. Office of Planning
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was served this 26th day of July 2019 via electronic mail to the following:

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