

5. The Vinyl Window and Door Institute informed the Mayor's Agent that while a three-dimensional muntin was available, the usual demand was for the flat muntins which are easier and more economical to manufacture and install and thus most manufacturers of vinyl windows do not manufacture the three-dimensional muntin.

CONCLUSIONS OF LAW

Based on the foregoing additional findings of fact the following additional conclusions of law are made:

6. The Applicant claims that while the muntins of his replacement windows do not possess the same depth as the original, the original depth would have been obscured by a storm window which would have been permitted.

7. The staff did not dispute that argument, but rather explained that it was all a matter of balance. The preservation of the original windows would have been balanced with the lost of visual purity of the historic depth. However, the staff argued, if the original was not preserved then the requirement of the depth should be maintained at least on the front of the building.

8. The staff's arguments are persuasive and after conducting the on-site inspection, there is sufficient evidence to support the staff's position that the issue of depth is relevant with respect to the windows on all the six stories of this building. The evidence acquired by the on-site inspection verifies that the difference in depth can be noticed from across the street, or from the street level looking up to the top floors of the building.

9. The flat and distorted appearance of the windows presently installed results from the use of flat muntins and could be avoided by the use of a three-dimensional muntin, which while difficult to locate is manufactured.

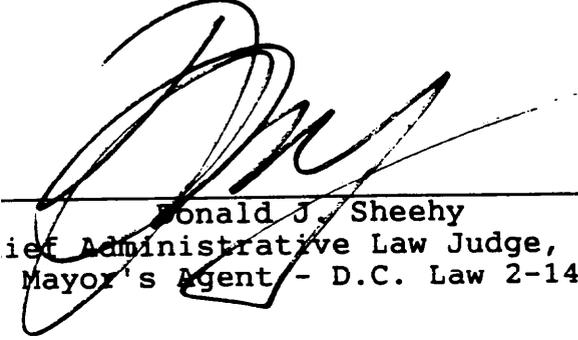
ORDER

Based on the above additional findings and conclusions of law, it is this **28th** day of **September, 1993**

ORDERED that for the reasons stated above, the permit be, and same is hereby, **DENIED**; and it is

FURTHER ORDERED that the application be, and the same is hereby, **DISMISSED WITH PREJUDICE**; and it is

FURTHER ORDERED that pursuant to D.C. Code §5-1012(a) this Decision and Order shall not become final until fifteen (15) days after issuance.



Donald J. Sheehy
Chief Administrative Law Judge, D.C.
Mayor's Agent - D.C. Law 2-144