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## HPC-20-15<sup>1</sup>

**TO:** City of Pueblo Historic Preservation Commission

**FROM:** Alan Lamberg, Senior Planner

**THROUGH:** Scott Hobson, Acting Director of Planning and Community Development

**DATE:** December 9, 2020

**SUBJECT:** **Certificate of appropriateness for a reroof**

**LOCATION:** 300 West Abriendo Avenue

**CULTURAL LISTING:** Martin Walter House, constructed 1908, HABS number 5PE.4212, listed on National Register of Historic Places on May 17, 1984 (#84000894), local landmark in 2002 by Ordinance 6888.

**APPLICANT:** **Jeff & Cindy Bailey**  
300 West Abriendo Avenue, Pueblo CO 81004

**PROPERTY OWNER:** **Same**

**ZONE DISTRICT:** Multiple Residential and Office (R-5 zone) Zone District

**LEGAL DESCRIPTION:** Lots 11 to 16, Block 96 of South Pueblo; Assessor Parcel: 536302009

**CONCURRENT REQUESTS:** None

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### **PURPOSE:**

Section 4-14-11 (c) of the Pueblo Municipal Code (PMC), requires all owners of historic properties to obtain a Certificate of Appropriateness for any alteration or rehabilitation that does, or does not, require a building permit. The applicant requests a Certificate of Appropriateness for roofing work that was completed without a Certificate of Appropriateness nor a building permit. The full roof and gutter replacement included disposal of original Italian tile materials and replacement with new dimensional asphalt shingles. *Pueblo Standards of Appropriateness*<sup>2</sup> were considered for this case.

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<sup>1</sup> Revised December 7, 2020.

<sup>2</sup> City of Pueblo Historic Preservation Commission. Adopted by City Council Ordinance 7379, September, 2005. *Standards of Appropriateness & Demolition Standards: For Alternation, New Construction, Reconstruction, Restoration, Rehabilitation and Relocation of Pueblo's Historic Landmarks and Districts.*

**ANALYSIS:**

On the existing site, located on a corner lot adjacent to an alley, there is a two-story building over 112 years old, which is listed on the National Register of Historic Places and is a historic landmark on the Pueblo Inventory of Cultural Resources. In accordance with historic preservation standards, preservation is the primary goal for such buildings; secondary goals include rehabilitation or restoration of historic features to encourage continued or adaptive reuse.

The mansion was built for Martin Walter, founder and president of the Walter Brewing Company. The blond brick two-story mansion is one of the largest and most elaborately detailed Foursquares in Pueblo. The roof is hipped, with a central pedimented dormer, with larger bays on the east and west walls projecting into corresponding gables. These gables both have returns, and are covered in decorative shingles. The porch, which spans the entire front facade, is supported by Ionic columns.<sup>3</sup> The roof was covered with red tile until November, 2020.

The applicant is requesting a Certificate of Appropriateness per the requirements contained in Section 12, Chapter 14 – Historic Preservation Code, Title IV – Building Regulations, of the *Pueblo Municipal Code*. The Historic Preservation Commission may approve this application if it serves the goals of the historic preservation standards and recommendations. The request is discussed in detail below:

1. Roof and gutter replacement of original red Italian tile with dimensional red asphalt shingle (scope of work).

Applicable Standards of Appropriateness (by section): 1.4 Altering Historic Landmarks or Properties in Historic Districts, 1.5 Preservation Principles, 4.3.2 Roof Forms, 4.3.8 Building Materials, 4.3.12 Flashing.

The applicant stated that a roof inspection was performed before purchasing the house in September, 2020. The inspection indicated that “issues with the roof would surface within possibly a few years.” By late October the applicants spoke with a neighbor who worked for the previous owners. The neighbor described water intrusion when it rained, and that previous patch work was not performed by roofers. Photos provided by the applicant show evidence of water damage to the interior ceiling and wood floors. The applicant justified the reroof plan for fear of further water damage to historic interiors, that they did not have \$70,000 that was estimated to rehabilitate the tile, and that they did not have time to wait for grant money. However, the applicant submitted only the reroof contract briefly describing scope of work, but not the manufacturer information about the new materials. The material type and color as described might be appropriate as have been implemented for houses built in the same historic era. Unpermitted roof replacement with different materials does not conform with the Historic Preservation Code, Section 4-14-12 for Certificate of Appropriateness. The owner initially hired a roofing contractor who applied for a building permit. Both the contractor and owner were informed that the permit cannot be approved without a Certificate of Appropriateness. Staff suggested an administrative approval for emergency order to protect property by patching the roof, but the applicant and roofing contractor proceeded with an unpermitted full roof and gutter replacement without review. Staff is uncertain whether roof flashing should be painted to match roof, trim, and/or stone belt course.<sup>4</sup>

<sup>3</sup> State Historical Society of Colorado. “Pueblo County Courthouse.” National Register of Historic Places Inventory / Nomination Form. *United States Department of Interior, National Parks Service*, September 27, 1984.

<sup>4</sup> City of Pueblo, *Standards of Appropriateness*: Section 4.3.12 “Flashing” requires matching only the roofing color.

**FINDINGS OF FACT FOR CERTIFICATE OF APPROPRIATENESS REQUIREMENTS:**

1. Conform to the intent and purpose of this code.

• **Comments:**

Affirmative finding, because the new materials may conform to the *Standards of Appropriateness*, which state that a uniform color is more appropriate than type of material.<sup>5</sup>

2. Preserve the special character, interest, and value of the landmark or historic district and its environs.

• **Comments:**

Affirmative finding, because the reroof plan was intended to prevent further water damage to the historic interiors of the landmark. Furthermore, other historic features such as roof forms and gable details were not altered.

3. Not be an adverse impact on the exterior features of the landmark.

• **Comments:**

Negative finding, because a different material was installed, which impacted the historic special character of the roof as seen from public ways. Furthermore, the original Italian tile was disposed of instead of repairing or rehabilitating it. According to the *Standards of Appropriateness*, “The original qualities or characteristics that distinguish the structure, object, or site and its environment, as historically or architecturally significant should be retained. As summarized in the Secretary of Interior’s Standards, the hierarchy of priorities in restoration projects should emphasize protecting and maintaining first, repairing second, and replacing only when no other alternative exists, and only under certain conditions. Original materials and details should not be removed or altered unless no other alternative exists. Distinctive stylistic features or examples of skilled craftsmanship that characterize older structures should be treated with sensitivity. ... Deteriorated architectural features should be repaired rather than replaced, whenever possible. If replacement is required, new material and details should match the original as closely as possible.”<sup>6</sup>

4. Be harmonious with the character of an historic district (or landmark).

• **Comments:**

Affirmative finding, because the replacement materials, dimensional asphalt singles, are within the historic context of an early residential district in Pueblo, specifically historic periods of significance, 1870-1921. Contemporary building materials may be appropriate if they are used in a similar way to historic building materials. Photos show the asphalt shingles were implemented with small unit exposure and smooth uniform color, which conforms in terms of new building materials.<sup>7</sup>

5. Be compatible with respect to scale, form, and composition of principal facades and relationship to the street.

• **Comments:**

Negative finding, because the roof flashing color is inconsistent; 3<sup>rd</sup> floor flashing is unpainted metal; 2<sup>nd</sup> floor is white; porch flashing color matches roof. However, the reroof preserves the historic roof forms.<sup>8</sup>

<sup>5</sup> City of Pueblo, *Standards of Appropriateness*: Section 4.3.8.9 “Building Materials”

<sup>6</sup> City of Pueblo, *Standards of Appropriateness*: Section 1.4.1.2 “Criteria for Restorations”

<sup>7</sup> City of Pueblo, *Standards of Appropriateness*: Section 4.3.8 “Building Materials”

<sup>8</sup> Pueblo *Standards*, Section 4.3.2 “Roof Forms”

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:**

Should the Historic Preservation Commission choose to deny the application for Certificate of Appropriateness, then the Owner is strongly encouraged to apply for a Certificate of Economic Hardship in order to comply with the Pueblo Historic Preservation Code. The HPC may, at its discretion, solicit testimony, schedule a public hearing, or require that the Owner for a Certificate of Economic Hardship make submissions concerning any or all of the information set forth below before it makes a determination on the application:

1. An estimate of the cost of the proposed alteration, restoration, construction, removal, restoration or demolition and an estimate of any additional cost that would be incurred to comply with the recommendations of HPC for changes necessary for the issuance of a Certificate of Appropriateness;
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the Landmark and its suitability for rehabilitation;
3. The estimated market value of the Landmark in its current condition; after completion of the proposed alteration, restoration, construction, removal, relocation or demolition; after any changes recommended by HPC;
4. The amount paid for the Landmark, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the Owner and the person from whom the Landmark was purchased, and any terms of financing between them;
5. If the Landmark is income-producing, the annual gross income therefrom for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
6. The remaining balance on any mortgage or other financing secured by the Landmark and annual debt service, if any, for the previous two (2) years;
7. All appraisals obtained within the previous two (2) years by the Owner in connection with the purchase, financing, or ownership of the Landmark;
8. Any listing of the Landmark for sale or rent, the purchase price asked and offers received, if any, within the previous two (2) years;
9. The actual valuation and assessed value of the Landmark according to the two (2) most recent assessments;
10. The form of ownership or operation of the Landmark, whether individual, sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; and
11. Any other information the Owner chooses to provide.

**CONDITIONS IF APPROVED:**

Should the Historic Preservation Commission find it appropriate to grant a Certificate of Appropriateness, the staff recommends including with the following conditions

1. **Time Limits:** Date of issuance of permit: December 9, 2020. Certificate of Appropriateness shall become invalid unless work or action authorized by permit is fully executed by December 9, 2021.
2. **Roof flashing be painted** to match the roof, trim, or other features, per the Commission's specific decision. Color samples of paint must be submitted for administrative review and approval before painting.

3. **Documentation** of original Italian tile features based on physical and pictorial evidence, to be submitted to the Planning Department and filed in the historic inventory of the landmark, the purpose being a resource for future owners who may restore the tile roof.<sup>7</sup>
4. **Required Revisions:** Any revisions or additions to plans required as a result of approval must be submitted and stamped “approved” prior to the sign-off of the building permit routing slip.
5. **Changes:** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the Department of Planning and Community Development. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Community Development, and may be subject to further review by the Historic Preservation Commission.
6. **Property Inspection:** By acceptance of this certificate, the Certificate holder authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress and inspecting and/or measuring the property or improvements as long as the use authorized by this certificate remains in effect.
7. **Building Permit; Other Permits:** Certificate holder is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state, and federal permits.
8. **Appeals** of a decision of the Historic Preservation Commission can occur up to twenty (20) days following such decision. Any work done in connection with this certificate prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Certificate holder.
9. **Errors:** Certificate holder is solely responsible for the accuracy of all information contained in the Certificate of Appropriateness form and in accompanying documentation. Any errors contained therein may invalidate the Certificate of Appropriateness and may result in issuance of a code violation citation and prosecution.
10. **Transfer of Ownership:** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become Certificate holder and subject to compliance with the terms and conditions of this certificate.
11. **Violations/Penalties:** A violation of any of the conditions of this certificate or of any provision of the Pueblo Municipal Code may result in a penalty of up to three hundred dollars (\$300) per day.
12. **Incorporation and Reference of All Plans Presented to the Historic Preservation Commission:** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Historic Preservation Commission meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

**ATTACHMENTS:**

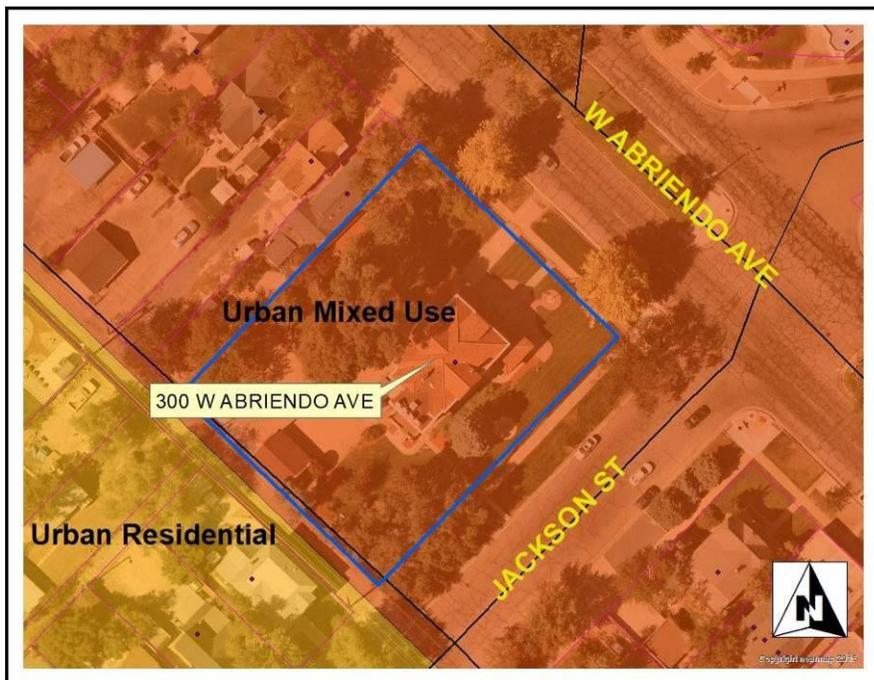
- A. Location Map
- B. Comprehensive Plan Map
- C. Site Photographs
- D. Application

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<sup>7</sup> City of Pueblo, *Standards of Appropriateness*: Section 1.4.1.2.6 “Criteria for Restorations” & 1.5.2



( A ) LOCATION

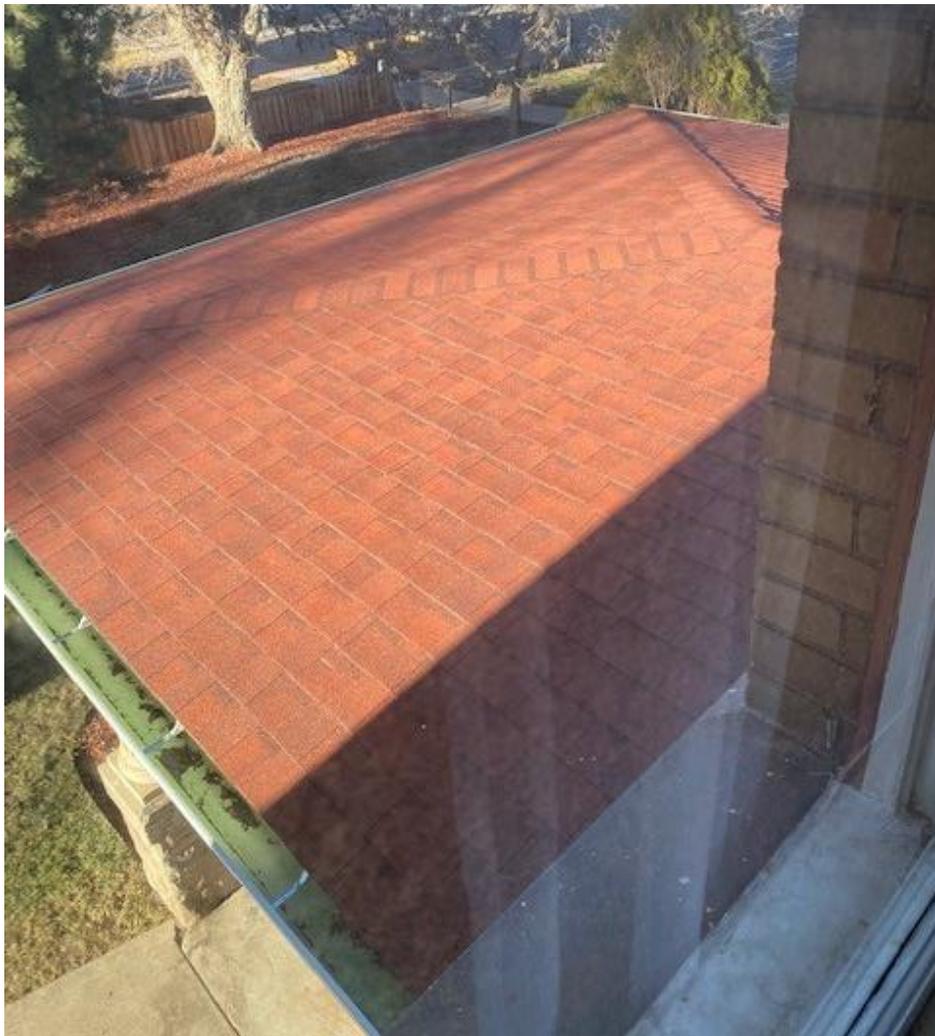


( B ) COMPREHENSIVE PLAN MAP



**(C) SITE PHOTOGRAPHS**







3<sup>rd</sup> floor flashing seemed unpainted metal



2<sup>nd</sup> floor flashing painted white between stone beltcourse



Porch flashing painted red and stepped into bricks.



(Continued from previous page)

<b>Project Information</b>	<b>Existing Building Information</b>	
	Area? approximately 3271 s/f	
	Storefront width?	
	Height?	
	Materials? Italian Tile	
	Year built? 1906	
	<b>Proposed Construction Information</b>	
	Area? approxiamately 3271 s/f	
	Height?	
	Materials? dimensional asphalt shingle	
Additional information regarding the specific request: color - Cottage Red		
<b>Attachment Checklist:</b>		
The following list of attachments are required to accompany all applications:		
<input type="checkbox"/> A. Site plan detailing the request (See site plan requirements sheet). <input type="checkbox"/> B. Applicable application, if any (i.e. Single Family Home Application). <input type="checkbox"/> C. Photographs. <input type="checkbox"/> D. Color samples. <input type="checkbox"/> E. Additional information that you believe justifies the request.		
By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:		
1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application, including Certificate of Occupancy Inspections. 2. There are no known hazards or vicious animals present on the subject property. 3. All information contained in this application, is true and accurate to the best of my knowledge. 4. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application. 5. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense.		
<b>Signatures</b>	<b>Property Owner</b>	
	Print Name:	Jeff Bailey
	Signature:	Date: 11-17-2020
	<b>Applicant, if different from Property Owner</b>	
	Print Name:	
Signature:	Date:	

<b>Office Use Only</b>	<b>Zoning Compliance (Completed by City Staff)</b>	
	Application received by:	Date:
	Hearing date:	Case #:
	Application approved by:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions <input type="checkbox"/> Administrative Approval
Date:		

## **Justification for materials and Certificate of Economic Hardship**

**Background** - We purchased the property on September 14<sup>th</sup>, 2020. During the buying process, we had a roof inspection performed and was told by the inspector that issues with the roof would surface within possibly a few years. However, in the 2<sup>nd</sup> or 3<sup>rd</sup> week of October we spoke to our neighbor who indicated that he worked at the property for the previous owner. While touring the home, he made the statement “Wow, they really made this look nice!” When I asked what he meant, he said “This was my office, and I had to put a bucket in here to catch the water when it would rain. I think they did some patch work, but they weren’t roofers.”

At that point, we contacted a roofing company and began the process of getting a roof put on for fear that further water leaks would damage the existing indoor areas and the new hardwood floor being installed in the living room.

**Materials** – Given that an approximately 500 sq/f section of the roof and the full garage roof already had Cottage Red, dimensional asphalt shingles, we are using Cottage Red shingles to match those areas. This color closely mirrors the Italian tiles that were on the roof.

### **Economic Hardship -**

We do not have the money, an estimated \$70,000 to re-roof using the original Italian Tile, nor do we have time wait for the “possibility” that spring grant money could be acquired for this purpose. Ultimately, we have to protect the interior of the home to restore it to a level of Historical worthiness.

A & K 

Roofing and Gutters

2828 E. 12th • Pueblo, CO 81001

Licensed & Insured

(719) 369-0277

525 E. Mesa Ave Pueblo Co. 81006

NOTICE OF COMPLETION  
FINAL INVOICE

DATE: 11/18/20

CONTRACTOR: A+K Roofing + Gutters

CUSTOMER NAME: Cindy Bailey

JOB ADDRESS: 300 W. Abriendo Pueblo Co 81003

FINAL: yes

DESCRIPTION: 38,510<sup>00</sup> Reroof

AMOUNT DUE: 38,510<sup>00</sup> PIF

I HEREBY CERTIFY THAT THE ABOVE JOB IS COMPLETE PER THE CONTRACT. I UNDERSTAND THAT THIS NOTICE SERVES AS A NOTICE OF COMPLETION AND A FINAL BILLING INVOICE.

CONTRACTOR SIGNATURE: Kenn CM Mon

CUSTOMER SIGNATURE: \_\_\_\_\_



# A&K Roofing, Gutters, & Exteriors

## QUALITY ROOFING SPECIALISTS

525 E. Main Avenue • Pueblo, CO 81008



atroofingandgutters@bbs.com  
PUEBLO, CO  
(719) 320-5193 or (719) 363-0277

LICENSED & INSURED License # 0011154 Lifetime Warranty

PROPOSAL SUBMITTED TO	PROJECT	DATE
Jetta Cindy Bailey	7196711384	11/16/20
CITY, STATE AND ZIP	DESCRIPTION	CONTACT
Pueblo Co 81003		
	CLAIM #	COORD.

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR: 40'

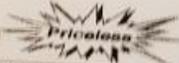
- RECOVER ROOF WITH 3yr Dimensional Ridge
- TEAR OFF 1 Layer Tile
- REFELT WITH Synthetic (NO Tear Felts)
- STYLE OF SHINGLES Dimensional
- COLOR OF SHINGLES Cottage Red
- NEW VALLEYS 260'
- REPLACE ROOF JACKS WHERE NEEDED All
- INSTALL 560' FEEL METAL EDGING 2x2

- SEAL AROUND ALL VENTS, PIPES AND FLASHINGS.
- CLEAN UP AND HAUL AWAY ALL ROOFING DEBRIS.
- CLEAN ALL GUTTERS.

**SPECIAL INSTRUCTIONS:**

Install New 6" Gutter + Down Spouts  
Install 7 Attic Vents  
Redeck Entire Roof  
Install Modified Roofing on Flat.

PROVIDE A LIFETIME GUARANTEE ON WORKMANSHIP



UNDER THE TERMS OF THIS CONTRACT THE LABOR WARRANTY IS NOT EFFECTIVE UNTIL PAYMENT IS MADE IN FULL. THIS CONTRACT CONSTITUTES THE ENTIRE UNDERSTANDING OF THE PARTIES, AND NO OTHER UNDERSTANDING, COLLATERAL, OR OTHERWISE, SHALL BE BINDING UNLESS IN WRITING SIGNED BY BOTH PARTIES. REPLACEMENT OF DEGENERATED DECKING, FASCIA BOARDS, ROOF JACKS, VENTILATORS, FLASHING OR OTHER MATERIALS, UNLESS OTHERWISE STATED IN THIS CONTRACT, ARE NOT INCLUDED AND WILL BE CHARGED AS AN EXTRA ON A TIME AND MATERIAL BASIS.

WE PROPOSE HEREBY TO FURNISH PERMITS, TAXES, MATERIAL AND LABOR COMPLETE IN ACCORDANCE WITH ABOVE SPECIFICATIONS, FOR THE SUM OF:

\$38,510.00

**\*PAYMENT TO BE MADE UPON COMPLETION\***

AUTHORIZED SIGNATURE: Kevin C McMeekin

ACCEPTANCE OF PROPOSAL - THIS PROPOSAL BECOMES THE LEGAL AND BINDING CONTRACT 72 HOURS FROM THE DATE OF ACCEPTANCE. 1.5% PER MONTH INTEREST WILL BE ADDED TO ALL ACCOUNTS 30 DAYS PAST DUE. IN ADDITION, COSTS AND REASONABLE ATTORNEY FEES FOR COLLECTION MAY BE CHARGED ON ANY ACCOUNT PAST DUE OVER 30 DAYS. PAYMENT WILL BE MADE AS OUTLINED ABOVE. FAILURE TO PAY CAN CONSTITUTE A MECHANICAL LIEN FILED AGAINST THE PROPERTY. CANCELLATION OF THE CONTRACT MAY BE ACHIEVED BY PAYING A CANCELLATION FEE IN THE AMOUNT OF 20% OF THE CONTRACT PRICE.

SIGNATURE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**WAIVER OF LIEN**

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) for and in consideration of \_\_\_\_\_ and other good and valuable considerations, to be paid, the receipt whereof is hereby acknowledged, do hereby waive, release, remise and relinquish any and all right to claim any lien or liens for work done or material furnished, or any kind of class lien whatsoever on the following described property:

Customer Signature \_\_\_\_\_

Contractor's Signature \_\_\_\_\_



