

# **THE RECORD**

**718 GLENDALE ST  
APPEAL  
CA245-008 (CP)**

**City Plan Commission  
Hearing  
01/23/2025**

VIA CERTIFIED MAIL 7022 2410 0003 0415 8665

# INDEX

718 Glendale Street CA245-008(CP)

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Certificate of Appropriateness	Section 1
--------------------------------	-----------

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Landmark Commission Agenda, October 7, 2024	Section 2
---	-----------

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Docket Material	Section 3
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Landmark Commission Minutes, October 7, 2024	Section 4
--	-----------

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Transcript of the October 7, 2024 Landmark Commission Hearing	Section 5
---	-----------

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Historic Preservation Criteria Dallas Development Code §51A-4.501	Section 6
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Correspondence	Section 7
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# SECTION 1

Certificate of Appropriateness

718 Glendale Street  
CA245-008(CP)

# Certificate of Appropriateness (CA)

## City of Dallas Landmark Commission

CA \_\_\_\_\_ - \_\_\_\_\_ ( )

OFFICE USE ONLY

Name of Applicant: LESLIE NEPVEUX

Mailing Address: 718 DUMAS

City, State and Zip Code: DALLAS, TEXAS, 75214

Daytime Phone: 602-758-9795 Alternate Phone: \_\_\_\_\_

Relationship of Applicant to Owner : ARCHITECT

OFFICE USE ONLY

Main Structure:

Contributing

Non-contributing

PROPERTY ADDRESS: 718 GLENDALE

Historic District: JUNIUS HEIGHTS

### PROPOSED WORK:

List all proposed work simply and accurately, use extra sheet if needed. Attach all documentation specified in the submittal criteria checklist for type of work proposed. **DO NOT write "see attached."**

DEMO EXISTING WOOD FENCE AND INSTALL NEW WOOD FENCE

EMAIL ADDRESS: LESLIE@VEUXDEUXDESIGN.COM

Signature of Applicant: \_\_\_\_\_ Date: 7.2.24

Signature of Owner: Megan Howard Date: 7.2.24

(IF NOT APPLICANT)

### APPLICATION DEADLINE:

Application material must be completed and submitted by **the FOURTH MONDAY OF EACH MONTH BY 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. Provide this form along with applicable fees, and any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201. You may submit by email to [Historicpreservation@dallas.gov](mailto:Historicpreservation@dallas.gov). Please write your address and district in the email subject line.

Please use the enclosed criteria checklist as a guide to complete the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner to ensure your application is complete. Click on the following link to the City of Dallas website for contact information:

<https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Contacts.aspx>

### OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

# SECTION 2

## Landmark Commission Agenda

October 7, 2024

See Page 17 Item #2

Landmark Commission Agenda  
Monday, October 7, 2024

the recommended condition would allow the proposed work to be consistent with preservation criteria Sections 5.2 and 5.3 under Fenestration and Openings; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

**Task Force Recommendation**

1. That the request for a Certificate of Appropriateness to repair/restore all, metal frame(d) historic windows (95 total) be approved as submitted.
2. That the request for a Certificate of Appropriateness to install sloped sidewalk with brick (pony) wall screening, leading to front entrance be approved as submitted.
3. That the request for a Certificate of Appropriateness to install new, wood exterior double doors at front entrance be approved as submitted with the condition that entry doors, transom and sidelights match the original historic design.

**2. 718 GLENDALE ST.**

Junius Heights Historic District  
CA245-008(CP)  
Christina Paress

**Request**

A Certificate of Appropriateness to install fence in front yard.

**Applicant** Nepveux, Leslie

**Application Filed** 8/26/2024

**Staff Recommendation**

That the request for a Certificate of Appropriateness to install fence in front yard be denied without prejudice. The proposed work is inconsistent with preservation criteria Sections 3.6(a)(1) and (2); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

**Task Force Recommendation**

That the request for a Certificate of Appropriateness to install fence in front yard be denied without prejudice per Section 3.6.2. Task force comment: Special recommendation can only be made by the Landmark Commission not the Junius Heights Task Force.

**3. 720 LOWELL ST.**

Junius Heights Historic District  
CA245-010(CP)  
Christina Paress

**Request**

A Certificate of Appropriateness to install a retaining wall at the bottom of front yard slope and flagstone in the parkway.

**Applicant** Trecartin, Aaron

**Application Filed** 8/26/2024

**Staff Recommendation**

That the request for a Certificate of Appropriateness to install a retaining wall at the bottom of front yard slope and

# SECTION 3

CA245-008(CP)  
Docket Material



CITY OF DALLAS

**LANDMARK COMMISSION**

**October 7, 2024**

FILE NUMBER: CA245-008(CP)  
LOCATION: 718 Glendale St  
STRUCTURE: Contributing  
COUNCIL DISTRICT: 14  
ZONING: PD 397

PLANNER: Christina Paress  
DATE FILED: August 16, 2024  
DISTRICT: Junius Heights H-128  
MAPSCO: 36-Y  
CENSUS TRACT: 0014.00

**APPLICANT:** Leslie Nepveux

**REPRESENTATIVE:** N/A

**OWNER:** Katherine Vogel

**REQUEST:**

A Certificate of Appropriateness to install fence in front yard.

**BACKGROUND / HISTORY:**

N/A

**PROJECT DESCRIPTION:**

The proposed work consists of installing a section of fence in the front yard.

**ANALYSIS:**

The proposed work is inconsistent with preservation criteria and will have an adverse effect on the historic characteristics of the district.

**STAFF RECOMMENDATION:**

That the request for a Certificate of Appropriateness to install fence in front yard be denied without prejudice. The proposed work is inconsistent with preservation criteria Sections 3.6(a)(1) and (2); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

**TASK FORCE RECOMMENDATION:**

That the request for a Certificate of Appropriateness to install fence in front yard be denied without prejudice per Section 3.6.2. Task force comment: Special recommendation can only be made by the Landmark Commission not the Junius Heights Task Force.



**LOCATION MAP**  
718 Glendale St  
*Google Maps*

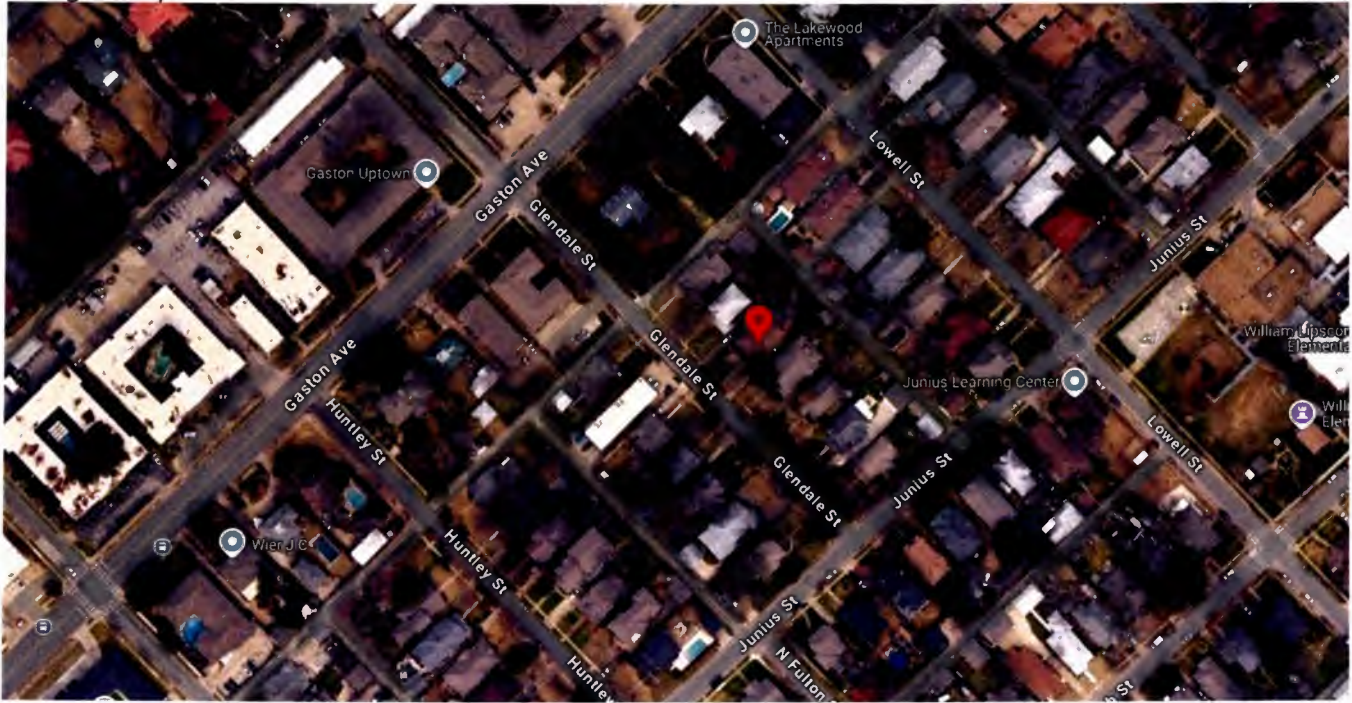


Figure 1 – Aerial View of the property.

**CURRENT PHOTOS:** Located in application.

**TASK FORCE  
RECOMMENDATION(S)**

# TASK FORCE RECOMMENDATION REPORT

Junius Heights

DATE: 9/10/2024

TIME: 5:30 pm

MEETING PLACE: Hybrid Virtual 6151 Worth St

Applicant Name: Leslie Nepveux

Address: 718 Glendale

Date of CA/CD/CR Request:

## RECOMMENDATION:

Approve  Approve with conditions  Deny  Deny without prejudice

Recommendation / comments / basis:

Deny / w / Prj - 362

Special Recommendation Cas can be made by  
Landmark not Task Force.

### Task force members present

Rene Schmidt (Chair) *y*

Eric Graham *y*

Mary Mesh *y*

Aaron Trecartin *y*

Jen Szklarski

Vanessa Meelroy

Noel Averton *y*

Juliette Bouchard *y*

Ex Officio staff members present:  Christina Mankowski

Simply Majority Quorum:  yes  no (four makes a quorum)

Maker: *Mary*

2<sup>nd</sup>: *Eric*

Task Force members in favor: *All*

Task Force members opposed:

Basis for opposition: *2. 2. 2.*

CHAIR, Task Force *2. 2. 2.*

DATE

*9/10/24*

The task force recommendation will be reviewed by the Landmark Commission on Monday, October 7, 2024.

The Landmark Commission public hearing begins at 1:00 P.M. via videoconference, which allows the applicant and citizens to provide public comment.

**APPLICATION FOR  
CERTIFICATE OF APPROPRIATENESS**

# Certificate of Appropriateness (CA)

## City of Dallas Landmark Commission

CA \_\_\_\_\_ - \_\_\_\_\_ ( )

OFFICE USE ONLY

Name of Applicant: LESLIE NEPVEUX

Mailing Address: 718 DUMAS

City, State and Zip Code: DALLAS, TEXAS, 75214

Daytime Phone: 602-758-9795 Alternate Phone: \_\_\_\_\_

Relationship of Applicant to Owner : ARCHITECT

**OFFICE USE ONLY**

Main Structure:

Contributing

Non-contributing

**PROPERTY ADDRESS:** 718 GLENDALE

**Historic District:** JUNIUS HEIGHTS

**PROPOSED WORK:**

List all proposed work simply and accurately, use extra sheet if needed. Attach all documentation specified in the submittal criteria checklist for type of work proposed. **DO NOT write "see attached."**

DEMO EXISTING WOOD FENCE AND INSTALL NEW WOOD FENCE

**EMAIL ADDRESS:** LESLIE@VEUXDEUXDESIGN.COM

Signature of Applicant: \_\_\_\_\_

Date: 7.2.24

Signature of Owner: \_\_\_\_\_

Date: 7.2.24

(IF NOT APPLICANT)

**APPLICATION DEADLINE:**

Application material must be completed and submitted by **the FOURTH MONDAY OF EACH MONTH BY 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. Provide this form along with applicable fees, and any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201. You may submit by email to [Historicpreservation@dallas.gov](mailto:Historicpreservation@dallas.gov). Please write your address and district in the email subject line.

Please use the enclosed criteria checklist as a guide to complete the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner to ensure your application is complete. Click on the following link to the City of Dallas website for contact information:

<https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Contacts.aspx>

**OTHER:**

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

# Certificate of Appropriateness (CA)

## City of Dallas Landmark Commission

### Application Fee Schedule

**Chapter 51A Dallas Development Code: Ordinance No. 19455, as amended Subsection aa: Fees for Landmark Commission Applications.**

1. An application will not be processed until the fee has been paid.
2. The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.
3. The city controller shall refund 75 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being advertised for hearing. After the case is advertised, no refund of the filing fee may be made. Please contact a Preservation Planner for refund request inquiries.
4. Fee Schedule.

Type of Application	Application Fee	Office Use Only – Payment Received
Certificate of appropriateness for new construction	\$500	Date: Receipt No.
Certificate of appropriateness/certificate of demolition or removal for unauthorized work *	\$600	Date: Receipt No.

\*For unauthorized work – new construction only -For all other see Certificate for Demolition and Removal application.

5. The applicant shall pay a single filing fee for each certificate of appropriateness of certificate of demolition or removal for unauthorized work.
6. Make checks Payable to City of Dallas – note OHP application type in memo of check. Mail or bring to Dallas City Hall, 1500 Marilla Street, Room 5BN, Dallas, Texas 75201. The District Planner will provide payment options and instructions.
7. The landmark commission may waive the filing fee if the landmark commission finds that payment of the fee would result in substantial financial hardship be placed on the landmark commission's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the landmark commission. In making this determination, the landmark commission may require the production of financial documents.

Please review the enclosed Review and Action Form

**Memorandum to the Building Official, a Certificate of Appropriateness has been:**

- APPROVED.** Please release the building permit.
- APPLICANT REQUEST FOR WITHDRAWAL, 75% REFUND APPROVED: DATE**
- APPLICANT REQUEST FOR WITHDRAWAL WITHOUT REFUND: DATE**
- APPROVED WITH CONDITIONS.** Please release the building permit in accordance with any conditions.
- DENIED.** Please do not release the building permit or allow work.
- DENIED WITHOUT PREJUDICE.** Please do not release the building permit or allow work.

Signed drawings and/or specifications are enclosed \_\_\_ Yes

**APPLICATIONS FOR NEW CONSTRUCTION AND MAJOR  
REMODELS MUST BE REVIEWED WITH A PRESERVATION  
PLANNER PRIOR TO THE SUBMITTAL DATE**

- Contact a Preservation Planner in advance of the deadline to discuss your application and fee requirements. Planner contact by district can be found on the city website: <https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Contacts.aspx>
- Submit items on the checklist WITH your application. Incomplete applications are not accepted.
- All applications and plans may be submitted via email (preferred) [Historicpreservation@dallas.gov](mailto:Historicpreservation@dallas.gov) – please include your address and district in the subject line.
- Fees must be paid at the time of application.
- Submit scaled and fully dimensioned drawings in size 11"x17" (preferable) or larger. Large plans should be folded, not rolled.
- Submit digital copies of images, photographs, and plans. Contact staff if your file(s) are over 10 MB.
- Review the FAQ on our website for more details. You can find us by visiting [dallascityhall.com](http://dallascityhall.com) and searching for "historic preservation."

**DO NOT**

- Do not write "match existing" on your application or plans without providing more detail. Exact specifications and details must be submitted for every request, even if you believe it to be Routine Maintenance.
- Do not submit an application cover without the required supporting documents.
- Do not list work on your plans that is not listed on the application cover. Your proposed work on the cover should include a complete list of all work to be done.

**APPLICATIONS RECEIVED AFTER 12:00 PM  
ON THE SUBMITTAL DEADLINE OR  
APPLICATIONS THAT ARE INCOMPLETE  
WILL NOT BE ADDED TO THE LANDMARK  
AGENDA**

## SUBMITTAL CRITERIA CHECKLIST

(Customer use only, do not submit)

The documentation listed below must be submitted with the application for a Certificate of Appropriateness. Incomplete applications will not be docketed for consideration by the Landmark Commission. Please refer to the preservation criteria in the historic district ordinance or contact a City Preservation Planner for further information.

### **ALL APPLICATIONS**

- Images of front façade of the structure and all sides where work is proposed.

### **REMODELING, ADDITIONS, AND NEW CONSTRUCTION**

- Applications for new construction and major remodels must be reviewed by the respective Staff member for the district prior to the submittal deadline.
- Scaled and dimensioned elevation and plan drawings (see Note 1) indicating proposed alterations or additions, clearly indicating the existing building and what is proposed and including the relationship to adjacent structures (see Note 2).
- Site plan showing: 1) dimensions of lot, 2) location and dimensions of the structure and addition (if applicable), and 3) location of all exterior, ground and roof mounted equipment.
- Official site survey.
- Specifications/cut-sheets/images for all proposed exterior materials including siding, doors, windows, lighting, and roof shingles. (See Note 3).
- Paint chips or specifications (brand, color name) and placement on the structure.
- New Construction Form required for proposed main and accessory structures.

*Note: All submitted information should also be emailed as a PDF to the respective Staff contact. Do not send large files (over 10 MB) without contacting staff first.*

### **WINDOWS AND DOORS**

#### **REPAIR ONLY**

- Images of window(s)/door(s) that illustrate existing condition.
- Detailed description of repair work needed.

#### **REPLACEMENT**

- Window survey – contact respective Staff member for survey form.
- Images of window(s)/door(s) that illustrate existing condition
- Specification/cut-sheet/image for proposed replacement window(s)/door(s).



**PAINING, STUCCO, REPOINTING**

- Image of front façade of house and all areas/facades where painting, stucco, or repointing is proposed.
- Paint chips or specifications (brand, color name and number) with proposed location on structure indicated (body, trim, accent).
- If applicable, specifications including color, lime content ratio, cement content ratio, aggregate color, aggregate content ratio, and joint tooling.

**SIDING, TRIM, AND SKIRTING REPAIR OR REPLACEMENT**

- Image(s) of all facades where work is proposed, including detail images that illustrate existing conditions.
- Percentage estimate of how much material is proposed for replacement (i.e. 15%, less than 20%, etc)
- Specifications for replacement siding, trim, or skirting material.

**FOUNDATION REPAIR**

- Image of structure indicating existing skirting.
- Engineer's report including structural drawing and detail of proposed work.

**ROOFING**

- Image of existing roof shingle indicating existing material and color.
- Shingle specifications (material, brand, color name).

**GUTTERS**

- Specifications/cut-sheets/images for proposed gutters/downspouts.
- Site plan showing where on structure gutters/downspouts are proposed.

**FENCES, HARDSCAPING, AND LANDSCAPING**

- Site plan showing proposed location of fence, hardscaping, landscaping.
- Photographs of the area(s) where work is proposed.
- Fences - image of proposed fence with description (material, height).
- Hardscaping – description of materials proposed and images if something other than broom finish concrete.
- Landscaping – plant species and images.

*Note: Seasonal planting in existing landscaping beds that does not include new shrubs or trees does not require a Certificate of Appropriateness.*

## **RELOCATION OF A STRUCTURE**



Photograph of structure on current site.



Reason for request to move building.



Dimensioned site plan to scale (see Note 1) showing proposed building on new site and adjacent building scale (see Note 2).



Elevation showing height and width relationship of structure on new site to adjacent properties and those across the street.



Images of structures within vicinity of new site.

## **SIGNS**



Sign location indicated (i.e. elevation drawing, photograph showing proposed location marked, rendering, or site plan).



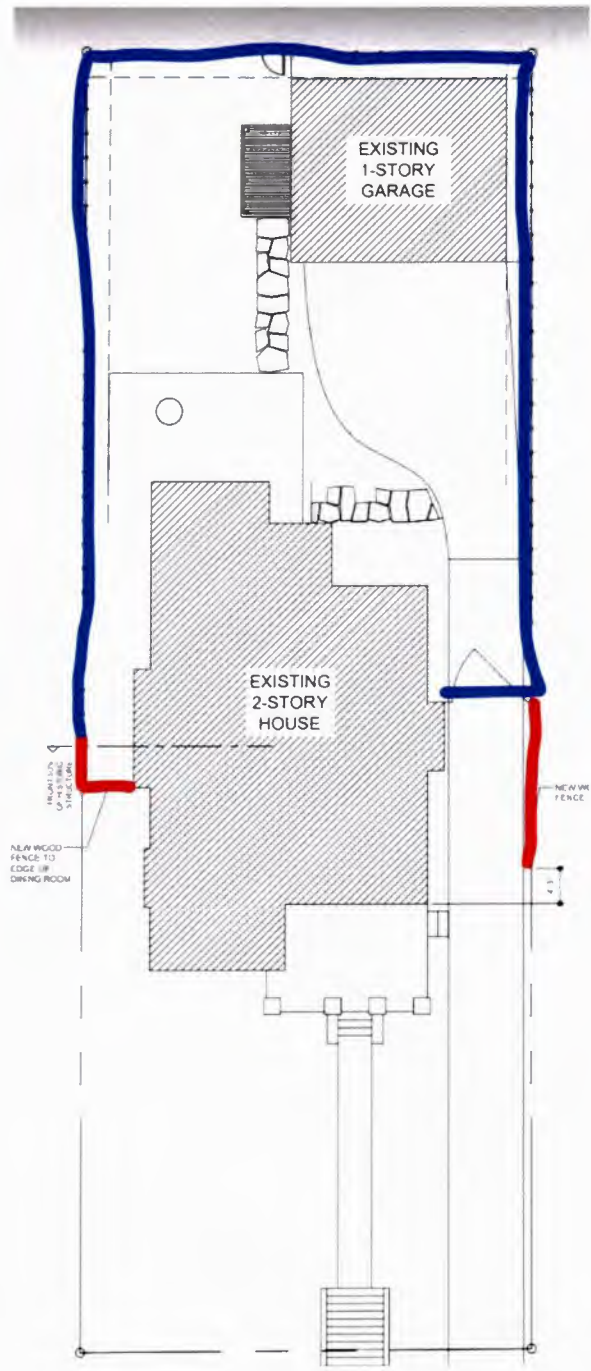
Image and specifications for proposed sign

## **DEMOLITION**

Any demolition of a main or accessory structure within an historic district requires a Certificate for Demolition, which is a different application. Please contact Staff for the Certificate of Demolition application or visit our website to download the application.

### **GENERAL NOTES:**

- Note 1: Minimum scale of  $1/8" = 1'0"$  on all plans and elevations, unless otherwise approved by a Preservation Planner. Minimum size for all plans is  $11" \times 17"$ . Section details of new cornices, columns, railings or any other distinctive details are required at  $1/2" = 1'$ .
- Note 2: When required to show the relationship to adjacent structures and structure is on a corner, "adjacent" means across the street.
- Note 3: When material descriptions are required, materials to be used must be designated on the elevation drawings.



PROPERTY ADDRESS

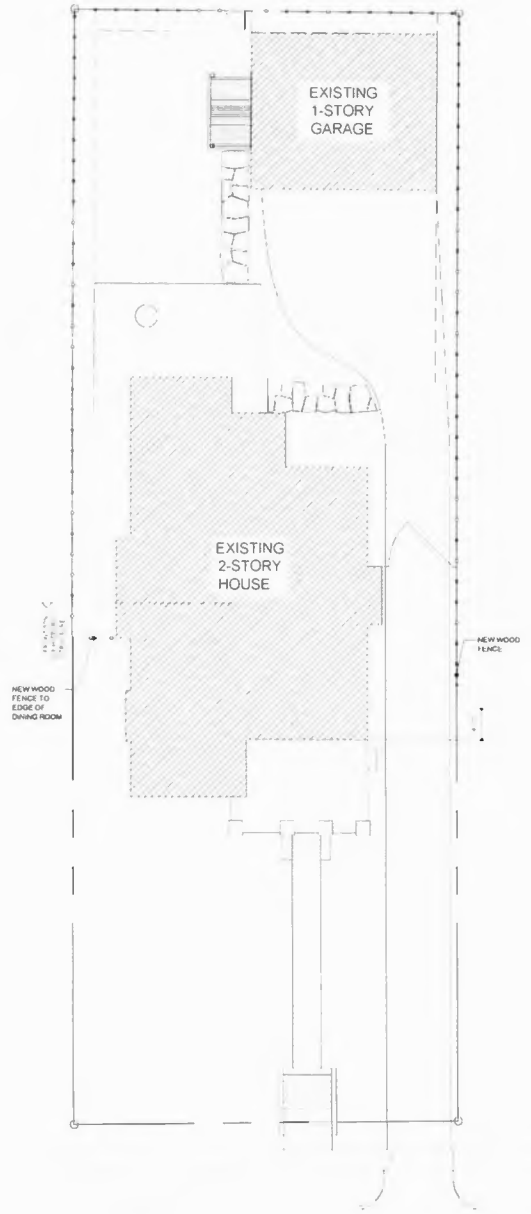
718 GLENDALE  
DALLAS, TEXAS 75214

LEGAL DESCRIPTION

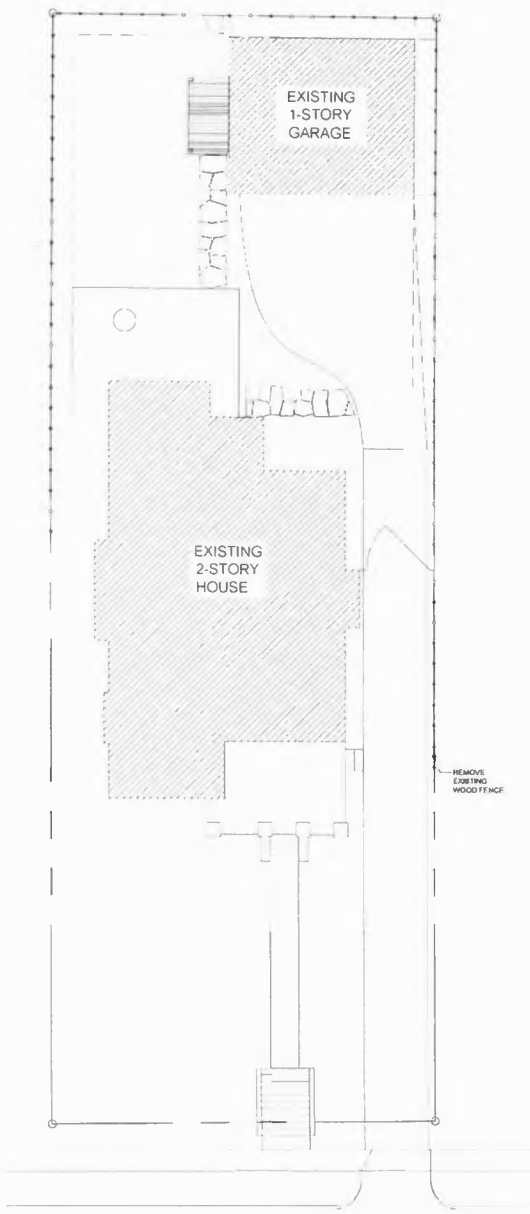
BEING 12.00 ACRES, MORE OR LESS, BEING  
SECTION 44, TOWNSHIP 10 NORTH, RANGE 14 EAST,  
COUNTY OF DALLAS, TEXAS, AS RECORDED IN  
VOLUME 1, PAGE 524 OF THE MAP RECORDS OF DALLAS COUNTY,  
TEXAS.

ZONING RESTRICTIONS

R-1.5A  
FRONT YARD SETBACK 25.0'  
REAR YARD SETBACK 10.0'  
SIDE YARD SETBACK 10.0'  
MAXIMUM BUILDING HEIGHT 35.0'



SITE PLAN 01  
SCALE 1/8" = 1'-0"



DEMO SITE PLAN 01  
SCALE 1/8" = 1'-0"



VEU/DEUX DESIGN 2024



7 1 8 G L E N D A L E  
DALLAS TX 75214

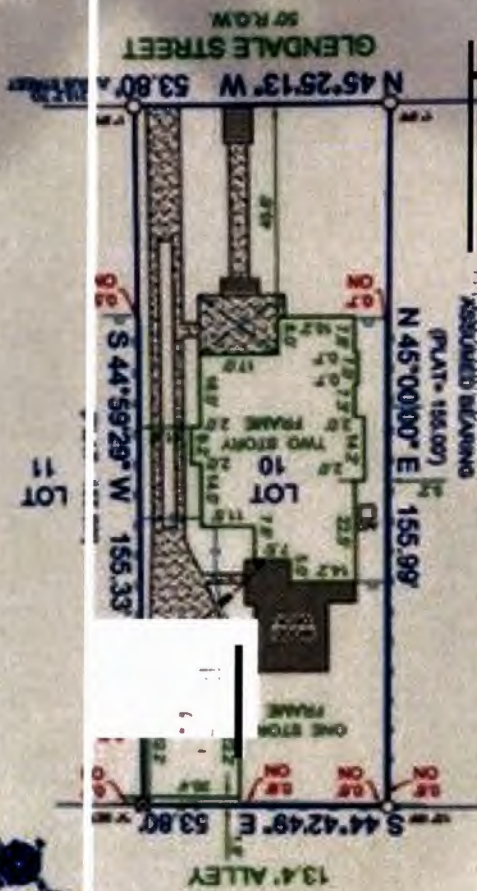
VEU/DEUX • 023

7224 PERM1 SET

SITE PLAN  
NEW FENCE

A100

Lot No. \_\_\_\_\_ of \_\_\_\_\_ Block No. \_\_\_\_\_  
in addition to the City of \_\_\_\_\_  
DALLAS, DALLAS COUNTY, Texas, according to the \_\_\_\_\_  
MAP THEREOF  
recorded in VOLUME 1 \_\_\_\_\_ PAGE 524 of the \_\_\_\_\_  
MAP \_\_\_\_\_ DALLAS COUNTY, Texas.



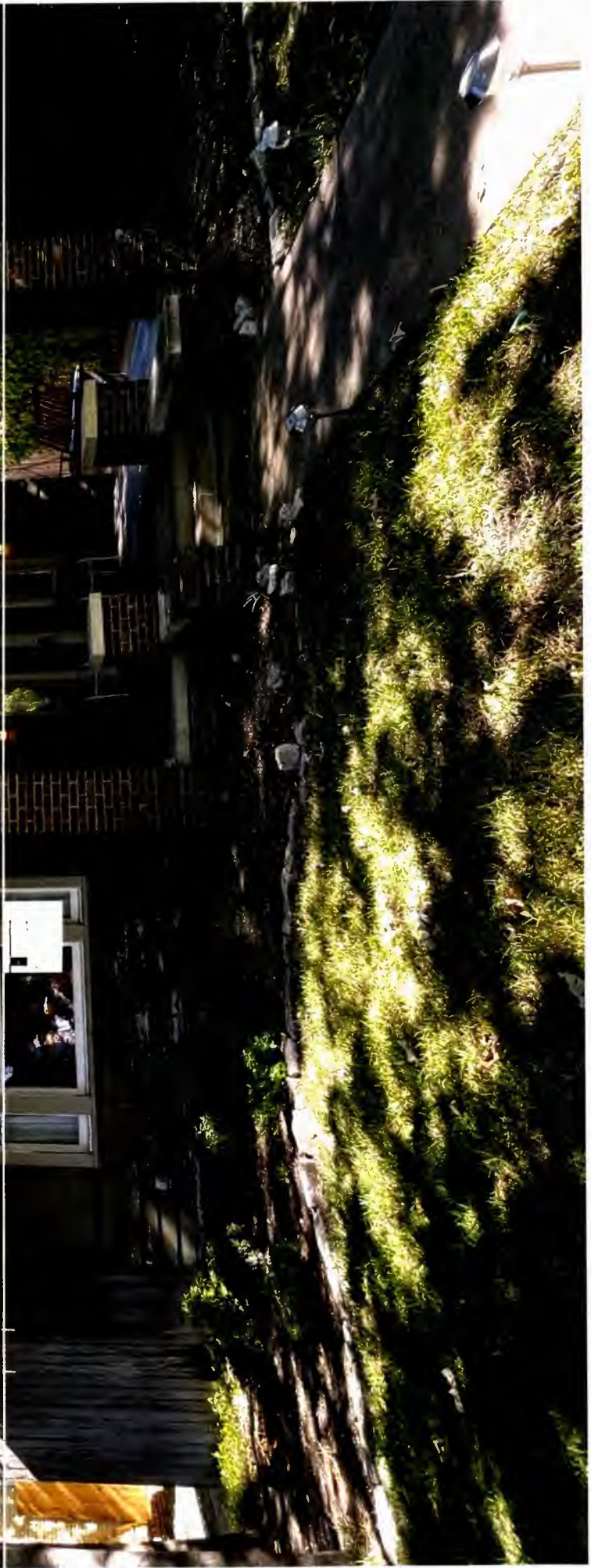
H. JINODI # 81000  
ASSOCIATED SURVEYOR

MA  
.....

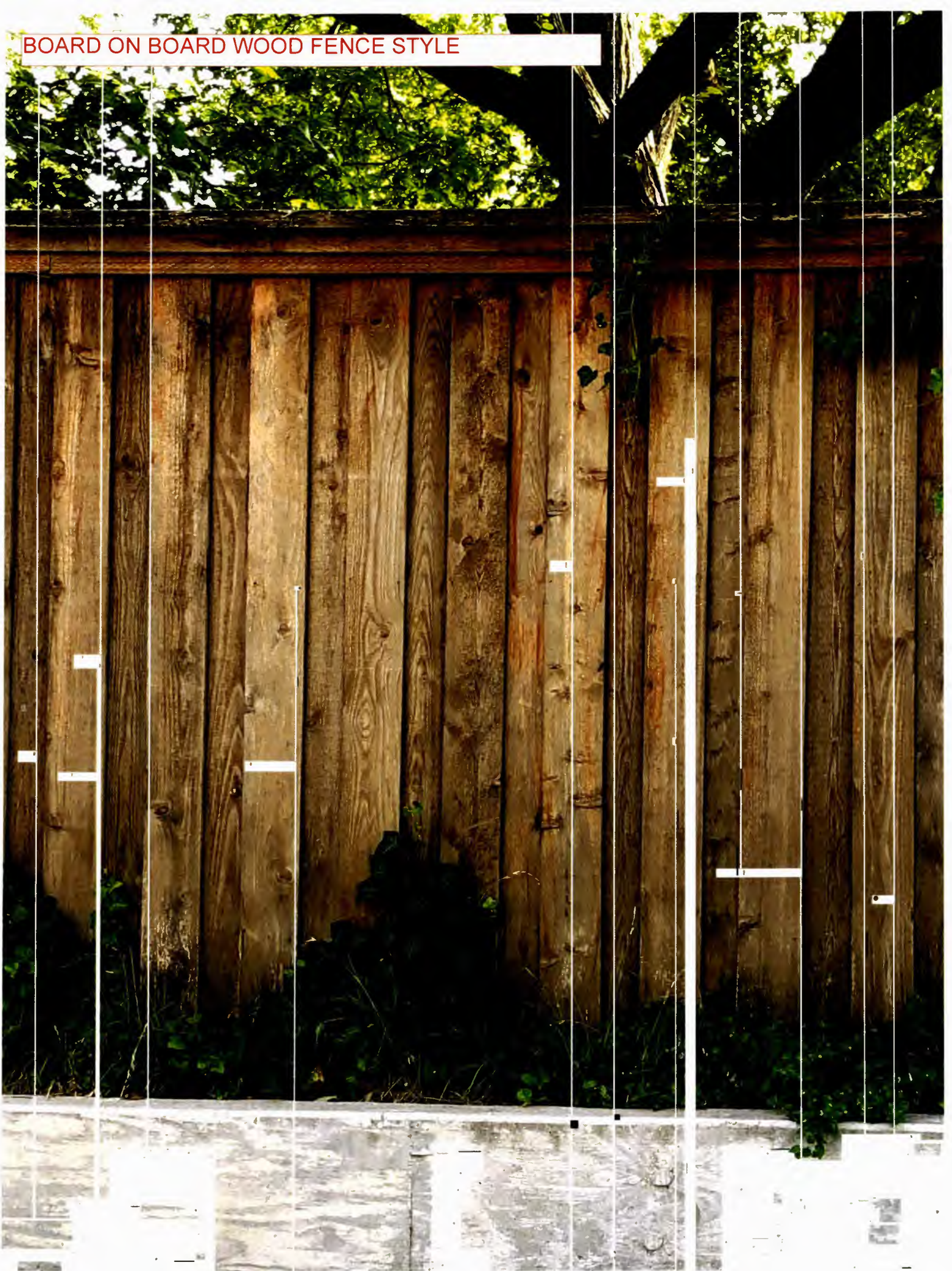
ALL BEINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.  
THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48113C (MAY 1987) ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. L. GARY E. JOHNSON, TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 22851, HAS CONDUCTED A SURVEY OF THIS PROPERTY AND HAS DEPICTED THE SUBSTANTIAL IMPROVEMENTS THEREON. THIS SURVEY DOES NOT REPRESENT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY OTHER SURVEYS OR RECORDS AFFECTING THIS PROPERTY. THIS SURVEY IS SUBJECT TO ANY RECORDS AFFECTING THIS PROPERTY WHICH MAY BE FILED IN THE PUBLIC RECORDS OF THE COUNTY OF DALLAS, TEXAS.  
ACCEPTED BY \_\_\_\_\_  
DATE \_\_\_\_\_

THIS CO. REPUBLIC  
OF NO. 118182251W1  
BONCHER, HOWARD





BOARD ON BOARD WOOD FENCE STYLE

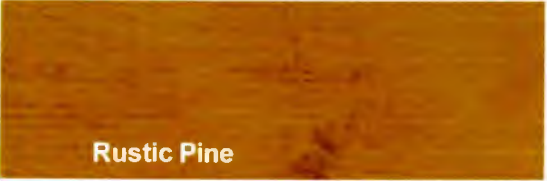


# WOOD DECK AND FENCE STAIN COLOR

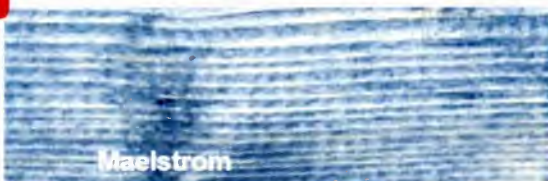
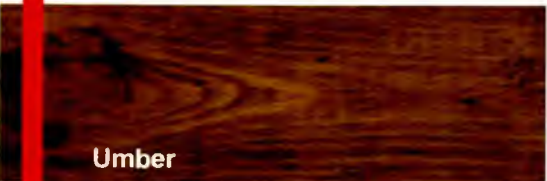
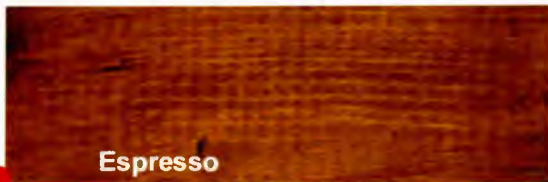
Remain on Deck Exterior  
Wood Stain & Sealant

## CLASSICS Color Collection

*Two coats on pine wood, actual color & appearance may vary.*



## IMPRESSIONS\* Color Collection





# SECTION 4

## Landmark Commission Minutes

October 7, 2024

See Page 10 Item #2

LANDMARK COMMISSION MINUTES

October 7, 2024

(95 total) be **approved** in accordance with drawings and specifications dated 8/26/2024. The proposed work is consistent with preservation criteria Sections 5.1 and 5.6 under Fenestration and Openings; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

2. That the request for a Certificate of Appropriateness to install sloped sidewalk with brick (pony) wall screening, leading to front entrance be **denied without prejudice**. The proposed work will have an adverse effect on the architectural features of the structure, the historic overlay district, and future preservation, maintenance, and use of the structure or the historic overlay district.
3. That the request for a Certificate of Appropriateness to install new, wood exterior double doors at front entrance be **denied without prejudice**. The proposed work will have an adverse effect on the architectural features of the structure, the historic overlay district, and future preservation, maintenance, and use of the structure or the historic overlay district.

Maker:	Reaves				
Second:	Anderson				
Results:	14/0				
		Ayes:	-	14	Anderson, Cummings, Fogleman, Gay, Hinojosa, Livingston, Montgomery, Offutt, Preziosi, Reaves, Spellicy, Taylor
		Against:	-	2	Renaud, Rothenberger
		Absent:	-	2	Cox, Sherman
		Vacancies:	-	2	Districts 14 & 15

The Chair declared the motion partially approved by the Landmark Commission.

**2. 718 GLENDALE ST.**

Junius Heights Historic District

CA245-008(CP)

Christina Paress

A Certificate of Appropriateness to install fence in front yard.

Speakers: For: Leslie Nepveux

Against: No Speakers

**Motion**

That the request for a Certificate of Appropriateness to install fence in front yard be **denied without prejudice**. The proposed work is inconsistent with preservation criteria Sections 3.6(a)(1) and (2); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

Maker:	Cummings				
Second:	Anderson				
Results:	12/2				
		Ayes:	-	12	Anderson, Cummings, Fogleman, Gay, Hinojosa, Livingston, Montgomery, Offutt, Preziosi, Reaves, Spellicy, Taylor
		Against:	-	2	Renaud, Rothenberger
		Absent:	-	2	Cox, Sherman

LANDMARK COMMISSION MINUTES  
October 7, 2024

		Vacancies:	-	2	Districts 14 &15
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The Chair declared the motion denied without prejudice by the Landmark Commission.

**3. 720 LOWELL ST.**

Junius Heights Historic District  
CA245-010(CP)  
Christina Paress

A Certificate of Appropriateness to install a retaining wall at the bottom of front yard slope and flagstone in the parkway.

Speaker For: Kate Camp

Against: No Speakers

**Motion #1**

That the request for a Certificate of Appropriateness to install a retaining wall at the bottom of front yard slope and flagstone in the parkway be **approved**. Does not have an adverse effect to the district.

Maker:	Offutt				
Second:	Fogleman				
Results:	5/9				<b>Motion Failed</b>
		Ayes:	-	5	Fogleman, Livingston, Offutt, Rothenberger, Spellicy,
		Against:	-	9	Anderson, Cummings, Gay, Hinojosa, Montgomery, Preziosi, Reaves, Renaud, Taylor
		Absent:	-	2	Cox, Sherman
		Vacancies:	-	2	Districts 14 &15

**Motion #2**

That the request for a Certificate of Appropriateness to install a retaining wall at the bottom of front yard slope and flagstone in the parkway be **denied without prejudice**. **Approve** Lueders retaining wall/edging to retain soil at the sidewalk. The proposed work is inconsistent with preservation criteria Section 3.5(b); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Setting (Neighborhood/District).

Maker:	Renaud				
Second:	Anderson				
Results:	13/1				
		Ayes:	-	13	Anderson, Fogleman, Gay, Hinojosa, Livingston, Montgomery, Offutt, Preziosi, Reaves, Renaud, Rothenberger, Spellicy, Taylor
		Against:	-	1	Cummings
		Absent:	-	2	Cox, Sherman
		Vacancies:	-	2	Districts 14 &15

The Chair declared the motion partially approved by the Landmark Commission.

# SECTION 5

Transcript of the  
October 7, 2024  
Landmark Commission  
Hearing  
718 Glendale Street  
CA245-008(CP)

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IN RE: CA245-008 (CP)

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AUDIO TRANSCRIPTION OF RECORDED CITY OF DALLAS LANDMARK

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COMMISSION REGULAR MEETING

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SPEAKERS

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COMMISSIONER MONTGOMERY

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MR. LOONEY

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COMMISSIONER PREZIOSI

15

CHRISTINA PARESS

16

MARCUS WATSON

17

LESLIE NEPVEUX

18

UNIDENTIFIED MALE

19

COMMISSIONER

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COMMISSIONER REAVES

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COMMISSIONER CUMMINGS

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COMMISSIONER OFFUTT

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COMMISSIONER ANDERSON

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COMMISSIONER ROTHENBERGER

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(RECORDED AND TRANSCRIBED)

COMMISSIONER MONTGOMERY: All right.  
Well, it seems to have passed.

MR. LOONEY: I was. Here for the next  
thing.

COMMISSIONER MONTGOMERY: All right, Mr.  
Looney. So you have received this judgment, and I wish  
you well with your time.

MR. LOONEY: All right. Thank you.

COMMISSIONER MONTGOMERY: Mr. Cummings  
listen.

All right. We have two additional people  
who are available to comment on D2 and D5 are other  
additional questioning, and apparently I have to make  
the motion to have them come move now to this spot in  
the agenda, because they had not signed up previously,  
and I had indicated that I preferred having them able  
to come discuss their project.

So I move that D2 and D5 be taken next in  
order, and that the late signing up speakers be allowed  
to speak.

COMMISSIONER PREZIOSI: Second.

COMMISSIONER MONTGOMERY: Second is  
Commissioner Preziosi. All those in favor, please say

1 aye.

2 COMMISSIONER PREZIOSI: Aye.

3 COMMISSIONER MONTGOMERY: Aye.

4 All right. So we begin with D2.

5 CHRISTINA PARESS: Okay.

6 COMMISSIONER MONTGOMERY: The  
7 (indiscernible) speaker you'll have to find out for me  
8 when we get there.

9 CHRISTINA PARESS: Yes.

10 COMMISSIONER MONTGOMERY: Staff, please do  
11 your thing.

12 CHRISTINA PARESS: Christina Paresse, on  
13 behalf of staff. Discussion Item Number 2 718 Glendale  
14 Street, Junius Heights Historic District, CA 245-008  
15 CP. Request a Certificate of Appropriateness to  
16 install fence in front yard. Staff recommendation that  
17 the request for a Certificate of appropriateness to  
18 install fence in front yard be denied without  
19 prejudice.

20 The proposed work is inconsistent with  
21 preservation criteria Section 3.681 and 2. The  
22 Standards and City Code Section 51A-4.501 G6 CI for  
23 contributing structures, and the Secretary of the  
24 Interior Standards for Rehabilitation.

25 MARCUS WATSON: Task Force recommendation

1 that the request for a Certificate of Appropriateness  
2 to install fence in front yard be denied without  
3 prejudice per section 3.6.2.

4 Task force comment. Special recommendation  
5 can only be made by the Landmark Commission, not the  
6 Junius Heights Task Force.

7 COMMISSIONER MONTGOMERY: Alrighty. So  
8 next we need to hear from our speaker.

9 CHRISTINA PARESS: Would be Leslie, and I  
10 believe -- I know he's definitely on.

11 COMMISSIONER MONTGOMERY: Okay. Well, one  
12 at a time.

13 Is Leslie Nepveux on?

14 LESLIE NEPVEUX: Yes.

15 UNIDENTIFIED MALE: She's on right now.

16 COMMISSIONER MONTGOMERY: Okay. We need  
17 to get --

18 LESLIE NEPVEUX: I'm here.

19 COMMISSIONER MONTGOMERY: -- her visible.

20 There you are. All right, you know the  
21 drill. I need your name and your address and your  
22 promise to tell the truth.

23 LESLIE NEPVEUX: Leslie Nepveux, 718 Dumas  
24 Dallas, Texas, 75214. And I promise to tell the truth.

25 COMMISSIONER MONTGOMERY: All right. And



1 then you have three minutes to discuss this project of  
2 course.

3           LESLIE NEPVEUX:       I'm going to share my  
4 screen. Okay. The blue line is a fence we've already  
5 got approval for. The red is fence in question. You  
6 can see, this area is the area -- existing fence that's  
7 not been taken down yet, that's in front of that 50  
8 percent line. It does not go past the front porch line  
9 currently.

10           Here's a better picture of the driveway  
11 side. This -- the vertical yellow line is at 50  
12 percent -- or sorry is five feet back from the front  
13 porch line. So we're asking to move that in front of  
14 the -- this gang of windows so that we're not chopping  
15 up those windows.

16           And this fence is only an extension of this  
17 driveway fence. We're not moving the gate. There's no  
18 horizontal fence or covering here. The swinging gate  
19 is back further at the house.

20           On the left side, we're proposing to put the  
21 fence where it is shown has been built. It is at the  
22 end of this dining room bump out. The 50 percent line  
23 is right in the middle of this set of windows. So  
24 we're asking to move it out to the edge to enclose  
25 those set of windows within their backyard.

1                   And on their block face, their direct  
2 neighbors have a fence that's within that five feet  
3 from the porch line. I don't know if this one was done  
4 with approval, and then at 704, a few houses down, the  
5 other one, this metal fence was approved by landmark a  
6 few years ago, and it is within that five feet of the  
7 front of the porch so that it encloses that window as  
8 well.

9                   And then the house directly across the  
10 street from 718 is 719, and they also have a fence  
11 that's five feet from the front of the house.

12                   So just to remind you, we're not asking to  
13 enclose the driveway here. We're just asking to extend  
14 the new fence out to this line, which is, I believe,  
15 4'3" from the edge of the porch. That's all.

16                   COMMISSIONER MONTGOMERY: All right.  
17 Thank you. That was three minutes exactly. How  
18 perfect. Did we say we also had a second speaker?

19                   CHRISTINA PARESS: Oh, no, actually, she  
20 was with the other one, so we have --

21                   COMMISSIONER MONTGOMERY: Oh, okay.

22                   CHRISTINA PARESS: -- three on the other  
23 one.

24                   COMMISSIONER MONTGOMERY: Okay.

25                   COMMISSIONER MONTGOMERY: All right. So

1 what questions do commissioners have about Commissioner  
2 (indiscernible) Commissioner Reaves, who wants to go  
3 (indiscernible). Okay.

4 COMMISSIONER: Correct.

5 So the fence in the picture that you just  
6 showed is that the property owner's fence, or is that  
7 the neighbor's fence?

8 LESLIE NEPVEUX: It's -- I'm not positive.  
9 It sits on the property line of both of that.

10 COMMISSIONER: So would you just put a new  
11 fence in front of it, or would you take down that fence  
12 and install the continuation of the fence further back  
13 in the property?

14 LESLIE NEPVEUX: We would take it down and  
15 replace it with the new fence that's seen back further.

16 COMMISSIONER: Okay. Thank you. Thank  
17 you.

18 CHRISTINA PARESS: Commissioner Reaves.

19 COMMISSIONER MONTGOMERY: Yes,  
20 Commissioner Reaves. Please go ahead while Marcus is  
21 distracting me.

22 COMMISSIONER REAVES: Are you going to  
23 tear down the fence that's in front of the fence that  
24 you want to replace?

25 LESLIE NEPVEUX: Yes. If we get approval

1 to extend it out to this point, we would take all of  
2 this old fence down. Yes.

3 COMMISSIONER MONTGOMERY: And what staff -  
4 - one staff member was asking is if we don't know who  
5 owns the fence, you might want to talk to your neighbor  
6 about taking the fence down.

7 LESLIE NEPVEUX: I'm just the architect.  
8 I'm not sure who the fence belongs to.

9 COMMISSIONER MONTGOMERY: Oh, yes, you  
10 are, okay. Well, everyone is confusing me right now,  
11 but yes, if we don't know who owns the fence, then that  
12 could raise an issue.

13 All right. Any other -- what other  
14 questions or concerns? Question section.

15 COMMISSIONER REAVES: Was the fence that  
16 was -- the ugly fence at the front, was it the same  
17 ugly fence at the back that you already replaced?

18 LESLIE NEPVEUX: Sorry, I don't understand  
19 the question.

20 COMMISSIONER REAVES: Well, there's a  
21 pretty fence at the back and there's an ugly fence at  
22 the front.

23 LESLIE NEPVEUX: Yes.

24 COMMISSIONER REAVES: Did you replace the  
25 ugly -- did the ugly fence go all the way to the back?

1                   LESLIE NEPVEUX:     Yes.  And they just --  
2  were doing some other construction and had the new  
3  fence that had been approved already and built to those  
4  locations.

5                   COMMISSIONER REAVES:     So whoever owned the  
6  fence on the back part of the fence too probably.

7                   LESLIE NEPVEUX:     Okay.  So it is --

8                   CHRISTINA PARESS:     That was --

9                   LESLIE NEPVEUX:     -- it is this homeowner.

10                  CHRISTINA PARESS:     Yes.  And that was  
11  approved by routine.  And I just noticed when you  
12  showed the picture for the dining room side that the  
13  fence was already built to encompass the bump out, even  
14  though it should have been only at the 50 percent mark.

15                  LESLIE NEPVEUX:     Yes.  And I just found  
16  that out today.

17                  CHRISTINA PARESS:     Got you.  Okay.  I just  
18  noticed that because they were only supposed to do up  
19  to the 50 percent mark.

20                  COMMISSIONER MONTGOMERY:     Yes.  Any other  
21  questions?

22                  COMMISSIONER:     Yes.  So my question then  
23  is for staff.  If you go back to that other picture you  
24  were just looking at.  No, the other one.  One down.

25                  COMMISSIONER MONTGOMERY:     On the front of

1 the one --

2 CHRISTINA PARESS: The one on --

3 Yes.

4 -- the side by --

5 Side --

6 -- by the (indiscernible)?

7 COMMISSIONER: -- yes.

8 CHRISTINA PARESS: So they were approved  
9 that -- oh, yes.

10 COMMISSIONER: So that all is new.

11 CHRISTINA PARESS: That part down there.

12 Not the side, but the horizontal, yes that --

13 COMMISSIONER: That part is --

14 CHRISTINA PARESS: Yes. And that was  
15 supposed to be at 50 percent line --

16 COMMISSIONER: Okay.

17 CHRISTINA PARESS: -- not at the end of  
18 the bump out. Because --

19 COMMISSIONER: Got it.

20 CHRISTINA PARESS: -- that's what's in  
21 question now. And that's why she's adding --

22 COMMISSIONER: That other part was already  
23 existing.

24 CHRISTINA PARESS: It wasn't and existing

25 --

1 COMMISSIONER CUMMINGS: No, no. The fence  
2 that intersects with that was existing.

3 CHRISTINA PARESS: That's neighbor yard.  
4 Yes.

5 COMMISSIONER CUMMINGS: Yeah.

6 CHRISTINA PARESS: Yeah.

7 COMMISSIONER MONTGOMERY: All right. Then  
8 --

9 COMMISSIONER OFFUTT: I have a --

10 COMMISSIONER MONTGOMERY: -- Mr. Anderson.

11 CHRISTINA PARESS: Offutt. I believe that  
12 was Offutt.

13 COMMISSIONER MONTGOMERY: Was that  
14 Commissioner Offutt?

15 COMMISSIONER OFFUTT: Yes. But -- and  
16 this is for staff. I just want clarification again.  
17 If they take down the old fence --

18 CHRISTINA PARESS: They have -- yes they  
19 removed --

20 COMMISSIONER OFFUTT: -- they have to come  
21 current which would not allow them to put that fence  
22 back up like it is currently, but they could simply  
23 repair the current fence; is that correct?

24 CHRISTINA PARESS: If it's grandfathered  
25 in, yes, they could put it back up as it is now if it

1 was approved by commission but not by staff.

2 COMMISSIONER OFFUTT: Okay.

3 COMMISSIONER ANDERSON: I have a question.

4 The fence you want to put up, the one on the driveway  
5 side, is the purpose that the neighbors are looking at  
6 your house. I -- there's no return. So it's not a  
7 security issue, is it? What is the reason for the  
8 fence?

9 LESLIE NEPVEUX: Yes, it's a visual thing.

10 You can see -- if the fence was down you could see  
11 from this room into their room. Yes.

12 COMMISSIONER ANDERSON: Have you thought  
13 of maybe softening with landscaping that would be less  
14 than -- I mean, the fence is something not allowed,  
15 but, I mean, we could approve it, but I think  
16 landscaping would be a better answer. Has that been  
17 considered or not?

18 LESLIE NEPVEUX: We have not talked about  
19 it with the homeowner. No.

20 COMMISSIONER ANDERSON: Okay. Thank you.

21 COMMISSIONER MONTGOMERY: Okay. Well, I  
22 have a question about the other side where they went  
23 ahead and built that fence. They really don't want  
24 that bump out room to be accessible; is that their  
25 reasoning?



1                   LESLIE NEPVEUX:       Yes.  They -- the  
2 neighbors on this side, they've historically had some  
3 security issues with, and they -- so they wanted to at  
4 least enclose this dining room.

5                   COMMISSIONER MONTGOMERY:     All right,  
6 because they are particularly concerned about a break  
7 in via the dining room or for visual privacy.

8                   LESLIE NEPVEUX:       Visual privacy?

9                   COMMISSIONER MONTGOMERY:     All right.  It  
10 requires a variance to move it that far forward.  And  
11 as constructed, we didn't have to imagine how awkwardly  
12 it interacts with the bracket.

13                   This is an issue.  If we said it could hide  
14 those windows, would you be able to come up with a  
15 better way of installing it that didn't look like that?

16                   LESLIE NEPVEUX:       If it was -- I can't  
17 remember what -- how tall we've requested it to be.  If  
18 it was 8 or 9 feet.

19                   CHRISTINA PARESS:       I'll look it up right  
20 quick.

21                   LESLIE NEPVEUX:       We could, you know, lower  
22 it to be right below that bracket.

23                   COMMISSIONER MONTGOMERY:     That is one  
24 possible idea.

25                   LESLIE NEPVEUX:       At least on the front

1 face of it. Not --

2 COMMISSIONER MONTGOMERY: And how far  
3 ahead of the 50 percent mark is that piece? Is that  
4 five feet, I think?

5 LESLIE NEPVEUX: Yeah. Looks about five.

6 CHRISTINA PARESS: It's five feet, but I'm  
7 recalling an email somewhere, and I feel like it was  
8 five feet.

9 COMMISSIONER MONTGOMERY: Okay. You know,  
10 normally when we've got a fence like that forward of  
11 where it's supposed to be, we do ask them to have it  
12 open. I realize that eliminates the visual privacy  
13 thing. I'm having trouble seeing how that tiny, narrow  
14 area, you could look down it and see in the window.  
15 You'd have to really try. Or is it that people come  
16 down there and peep in the (indiscernible) windows?

17 LESLIE NEPVEUX: I don't know the  
18 specifics of there.

19 COMMISSIONER MONTGOMERY: Okay. Because  
20 I'm looking for a supporting reason to -

21 LESLIE NEPVEUX: Yeah. I would --

22 COMMISSIONER MONTGOMERY: -- make a --

23 LESLIE NEPVEUX: If they were here, they  
24 would say they would prefer a solid fence for complete  
25 privacy in that room.

1                   COMMISSIONER MONTGOMERY:     Okay. All  
2 right. Thank you.

3                   Now, if any commissioners have any more  
4 questions, please --

5                   COMMISSIONER CUMMINGS:     Question.

6                   COMMISSIONER MONTGOMERY:     -- let me know.

7                   COMMISSIONER CUMMINGS:     Have they explored  
8 wood blinds, curtains, or cafe curtains?

9                   LESLIE NEPVEUX:     I have not asked them  
10 that.

11                   COMMISSIONER MONTGOMERY:     Any other  
12 questions? Because if not, we need to make a motion on  
13 this.

14                   COMMISSIONER CUMMINGS:     We'll make a  
15 motion.

16                   COMMISSIONER MONTGOMERY:     Thank you,  
17 Commissioner Cummings.

18                   COMMISSIONER CUMMINGS:     Someone holds my  
19 hand. Make sure I don't do this wrong.

20                   I was going to make a motion to approve the  
21 staff recommendation to deny without prejudice, and  
22 it's the only thing we're talking about is this fence  
23 and its locations; right? What do I need to read into  
24 it?

25                   COMMISSIONER MONTGOMERY:     You need to read

1 the stuff about the address and the CA number.

2 COMMISSIONER CUMMINGS: Okay. CA on  
3 Junius Heights Historic District CA 245-008 CP. I make  
4 a motion to accept staff recommendation to deny without  
5 prejudice. The proposed work is inconsistent with the  
6 preservation criteria.

7 COMMISSIONER ANDERSON: Second.

8 COMMISSIONER MONTGOMERY: The second was.  
9 Commissioner Anderson. Thank you for that. Is there  
10 any further discussion?

11 All right, then I call for a vote. All  
12 those in favor of this motion, please say aye.

13 COMMISSIONER: Aye.

14 COMMISSIONER: Aye.

15 COMMISSIONER: Aye.

16 COMMISSIONER MONTGOMERY: Aye.

17 All -- any not in favor of this motion?

18 COMMISSIONER ROTHENBERGER: Nay.

19 COMMISSIONER MONTGOMERY: Okay. So we  
20 have two and that's Commissioner Rothenberger and  
21 Commissioner Renaud.

22 All right. So it appears that this motion  
23 carries. Ms. Nepveux, I know this is not your house.  
24 If you will please let the applicant know that they did  
25 get a denial. So for that fee to CPC, they could go

1 and challenge to see if we have erred in making this  
2 judgment.

3 They could also rethink their request or the  
4 reasons for it, and see if he wanted to come back again  
5 with a different request or a strengthened argument in  
6 favor of this one.

7 Will you pass that along to them? And of  
8 course, staff is available to consult with you or the  
9 owner at any time. Well, not any time, not night, but,  
10 you know, during working hours. All right.

11 COMMISSIONER REAVES: Since that ugly  
12 fence is there, could they nail something to the ugly  
13 fence?

14 COMMISSIONER MONTGOMERY: They might have  
15 to put in for a routine maintenance of reinforcing the  
16 ugly fence. Perhaps that's the way -- if I were them,  
17 I would go about it and see if it got past. But who  
18 knows if that would work. I don't think anybody's ever  
19 tried that.

20 COMMISSIONER REAVES: No. Just nail it.  
21 (Recording stopped.)  
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CERTIFICATE

I Steven Thomas certify that I was authorized to and did transcribe the above audio and that the transcript is a true and correct record of the audio provided.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties attorneys or counsel connected with the action, nor am I financially interested in the action.

*Steven Thomas*

/s/ Steven Thomas

Steven Thomas

Transcriber

25th, November, 2024

# SECTION 6

Historic Preservation Criteria  
Dallas Development Code  
§ 51A-4.501

## **SEC. 51A-4.501. HISTORIC OVERLAY DISTRICT.**

(a) Purpose. The purpose of this section is to promote the public health, safety and general welfare, and:

(1) to protect, enhance and perpetuate places and areas which represent distinctive and important elements of the city's historical, cultural, social, economic, archeological, paleontological, ethnic, political and architectural history;

(2) to strengthen the economy of the city;

(3) to increase public knowledge and appreciation of the city's historic past and unique sense of place;

(4) to foster civic and neighborhood pride and a sense of identity;

(5) to promote the enjoyment and use of historic resources by the people of the city;

(6) to preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history;

(7) to create a more livable urban environment;

(8) to enhance property values;

(9) to provide financial incentives for preservation;

(10) to protect and enhance the city's attraction to tourists and visitors;

(11) to resolve conflicts between the preservation of historic resources and alternative land uses;

(12) to integrate historic preservation into public and private land use planning;

(13) to conserve valuable resources through use of the existing building environment;

(14) to stabilize neighborhoods;

(15) to increase public awareness of the benefits of historic preservation;

(16) to maintain a harmony between new and historic structures so that they will be compatible in scale, form, color, proportion, texture and material; and

(17) to encourage public participation in identifying and preserving historic resources.

(b) Establishment of historic overlay districts. A historic overlay district may be established to preserve places and areas of historical, cultural, or architectural importance and significance if the place or area has three or more of the following characteristics:

(1) History, heritage and culture: Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.

(2) Historic event: Location as or association with the site of a significant historic event.

(3) Significant persons: Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.

(4) Architecture: Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.

(5) Architect or master builder: Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state, or country.

(6) Historic context: Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.

(7) Unique visual feature: Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.

(8) Archaeological: Archaeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

(9) National and state recognition: Eligible for or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.

(10) Historic education: Represents an era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.

(c) Historic designation procedure and predesignation moratorium.

(1) Purpose. Temporary preservation of the status quo upon initiation of the historic designation procedure is necessary to allow time to evaluate each proposed historic overlay district, to consider appropriate preservation criteria, and to prevent circumvention of the purposes of this section. Relief from the predesignation moratorium may be obtained by applying for a predesignation certificate of appropriateness or certificate for demolition or removal.

(2) Initiation of historic designation procedure.



(A) The procedure for adopting an ordinance to establish or amend a historic overlay district may be initiated by five members of the city council, three members of the city plan commission, one member of the landmark commission for an individual property and three members of the landmark commission for an expansion of an existing district or creation of a new district, or by the owner(s) of the property.

(i) Statement of intent for historic designation. The five city council members, three city plan commissioners, or one landmark commissioner if it is an individual property, or three landmark commissioners if it is an expansion of an existing district or creation of a new district, must prepare and present a statement of intent for historic designation at the public hearing to initiate the historic designation procedure. The purpose of the statement of intent for historic designation is to provide justification of the action under consideration. The statement of intent must be provided to the property owner(s) at the time the agenda for the meeting is posted. The statement of intent of historic designation must contain the following:

- (aa) List of characteristics on which the initiation is based;
- (bb) A brief description of the historical significance of the potential building, site, district or expansion;
- (cc) Purpose of the proposed designation; and

(dd) For district expansions, a statement including the history and timeline of the existing district designation process and information on why the expansion area was not originally included with the initial district designation, if available.

(ii) Procedure for individual properties. The procedure to designate an individual property requires a minimum of one public hearing of the initiating body. The purpose of the hearing is to determine whether sufficient information is presented to initiate the historic designation procedure.

(iii) Procedures for expansions and new districts.

(aa) The procedure to expand an existing district or create a new district involves a minimum of two public hearings and a community meeting. The purpose of the first public hearing is to determine whether enough information is presented to consider a historic designation. This first public hearing does not initiate the historic designation procedure. If the city council, the city plan commission, or the landmark commission determines that sufficient information has been presented in the statement of intent for historic designation for consideration, the department shall conduct a community meeting. The purpose of the community meeting is for the proposing commissioners or city council members to present the statement of intent for historic designation to the property owners, neighbors, and interested parties to the proposed initiation, and to provide an opportunity for public comment. The meeting must be held at a facility open to the public within the neighborhood of the proposed historic district. The information presented must include the following:

- (I) Statement of intent for historic designation;
- (II) List of potential impacts of historic preservation;
- (III) List of neighborhood planning concerns and goals; and
- (IV) Any other information that may be relevant.

(bb) Prior to the second public hearing to initiate the historic designation procedure, the proposing commissioners or city council members must revise the statement of the intent for historic designation. The revised statement of intent must include the following, as applicable:

- (I) original statement of intent;
- (II) transcription of the community meeting;
- (III) benefits and incentives of preservation;
- (IV) additional neighborhood planning goals;
- (V) concepts for additional development incentives paired with historic preservation;
- (VI) summary of concerns; and
- (VII) summary of economic incentives available to the property owners such as city of Dallas historic tax exemption, tax increment financial districts, and federal or state opportunities.
- (VIII) statement reflecting the property owner(s) position, if available.

The purpose of the second public hearing is to review the revised statement of intent and determine whether sufficient information is presented to initiate the historic designation procedure.

(B) The director shall provide property owners with notice of a public hearing to initiate the historic designation procedure, a statement that describes the impact that a historic designation of the owner's property may have on the owner and the owner's property, and information about the process at least 15 days before the date set for the initial hearing using the procedure outlined in Section 51A-4.701(a)(1). The historic designation impact statement must include the following:

- (i) regulations that may be applied to any structure on the property after the designation;
- (ii) procedures for the designation;

(iii) tax benefits that may be applied to the property after the designation; and

(iv) rehabilitation or repair programs that the city offers for a property designated as historic.

(C) No permits to alter or demolish the property may be issued after provision of this notice until action is taken at that initial hearing by the city council, city plan commission, or landmark commission.

(D) The historic designation procedure is considered to be initiated immediately when the city council, the city plan commission, or the landmark commission votes to initiate it or, in the case of initiation by the property owner(s), when the zoning change application is filed with the director.

(3) Appeal. If the historic designation procedure is initiated by the landmark commission or the city plan commission, the property owner may appeal the initiation to the city council by filing a written notice with the director within 15 days after the action of the landmark commission or city plan commission. The written notice must include why the property owner thinks the criteria used to justify the initiation does not apply. Within 90 days after the filing of the appeal or 180 days after filing the appeal, if a 90 day extension is requested by the property owner within 45 days of filing the initial written notice of appeal with the director, the director and the chair of the landmark commission shall present the statement of intent for historic designation if it is an individual property, or the revised statement of intent for historic designation if it is an expansion or new district to the city council. After submission of the statement of intent for historic designation if it is an individual property, or revised statement of intent for historic designation if it is an expansion or new district, the city council shall hold a public hearing on the appeal. The sole issue on appeal is whether the landmark commission or city plan commission erred in evaluating the significance of the property based on the characteristics listed in Section 51A-4.501 (b). Appeal to the city council constitutes the final administrative remedy.

(4) Enforcement. Upon initiation of the historic designation procedure, the historic preservation officer shall immediately notify the building official. The building official shall not accept any application for a permit to alter, demolish, or remove the structure or site subject to the predesignation moratorium, unless a predesignation certificate of appropriateness or certificate for demolition or removal has been issued.

(5) Designation report. Upon initiation of the historic designation procedure, the historic preservation officer shall coordinate research to compile a written report regarding the historical, cultural, and architectural significance of the place or area proposed for historic designation. This report must include a statement on each of the following to the extent that they apply:

(A) A listing of the architectural, archaeological, paleontological, cultural, economic, social, ethnic, political, or historical characteristics upon which the nomination is based;

(B) A description of the historical, cultural, and architectural significance of the structures and site;

(C) A description of the boundaries of the proposed historic overlay district, including subareas and areas where new construction will be prohibited; and

(D) Proposed preservation criteria for the proposed historic overlay district.

(6) Designation procedure. For purposes of Section 51A-4.701, "Zoning Amendments," once the designation report has been voted on by the landmark commission, the designation shall be treated as a city plan commission authorized public hearing and may not be appealed to city council if the city plan commission recommends denial. The notice of authorization in Section 51A-4.701 (a)(1) is not required.

(7) Historic designation. The city may not designate a property a historic district unless:

(A) the owner of the property consents to the designation; or

(B) the designation is approved by a three-fourths vote of:

(i) the landmark commission;

(ii) the city plan commission; and

(iii) the city council.

(C) The owner of the property may withdraw consent at any time during the designation process by filing a written notice with the director.

(D) If the property is owned by an organization that qualifies as a religious organization under Section 11.20 of the Texas Tax Code, the city may designate the property as a historic district only if the organization consents to the designation.

(8) Computation of time.

(A) Unless otherwise provided in this paragraph, computing any period of time prescribed in this subsection shall be in accordance with Section 1-5 of the Dallas City Code.

(B) If the last day of any period is a Saturday, Sunday, or official holiday observed by the city, the period is extended to include the next day that is not a Saturday, Sunday, or official holiday observed by the city.

(C) Except as otherwise specified, time periods will be calculated based on calendar days.

(9) Termination of the predesignation moratorium. The predesignation moratorium ends on the earliest of the following dates:

(A) The day after the city council, city plan commission, or landmark commission that voted to initiate the historic designation

procedure, votes to terminate the historic designation procedure.

(B) The day after the city council, in an appeal from an initiation by the city plan commission or landmark commission, votes to terminate the historic designation procedure.

(C) In the case of initiation by the property owner(s), the day after the zoning change application is withdrawn.

(D) If the proposed historic overlay district zoning change is approved, the effective date of the ordinance establishing the historic overlay district.

(E) If the proposed historic overlay district zoning change is denied, the day after either the city council makes its final decision denying the change or the expiration of the time period for appeal to the city council from a city plan commission recommendation of denial.

(F) Two years after the date the historic designation procedure was initiated, regardless of who initiated the procedure.

(d) Predesignation certificate of appropriateness.

(1) When required. A person shall not alter a site, or alter, place, construct, maintain, or expand any structure on the site during the predesignation moratorium without first obtaining a predesignation certificate of appropriateness in accordance with this subsection.

(2) Penalty. A person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a predesignation certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

(3) Application. An application for a predesignation certificate of appropriateness must be submitted to the director. The application must include complete documentation of the proposed work. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. No application shall be deemed to be filed until it is made on forms promulgated by the director and contains all required supporting plans, designs, photographs, reports, and other exhibits required by the director. The applicant may consult with the department before and after the submission of an application.

(4) Predesignation certificate of appropriateness review procedure. Upon receipt of an application for a predesignation certificate of appropriateness, the director shall determine whether the structure is contributing or noncontributing. Within 40 days after a complete application is filed for a noncontributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. Within 65 days after a complete application is filed for a contributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. The landmark commission may impose conditions on the predesignation certificate of appropriateness. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. The director shall immediately notify the applicant of the landmark commission's action. The landmark commission's decision must be in writing and, if the decision is to deny the predesignation certificate of appropriateness, with or without prejudice, the writing must state the reasons why the predesignation certificate of appropriateness is denied.

(5) Standard for approval. The landmark commission must approve the application if it determines that:

(A) for contributing structures, the application will not adversely affect the character of the site or a structure on the site; and the proposed work is consistent with the regulations contained in this section and the proposed preservation criteria; or

(B) for noncontributing structures, the proposed work is compatible with the historic overlay district.

(6) Issuance. If a predesignation certificate of appropriateness has been approved by the landmark commission or if final action has not been taken by the landmark commission within 40 days (for a noncontributing structure) or 65 days (for a contributing structure) after a complete application is filed:

(A) the director shall issue the predesignation certificate of appropriateness to the applicant; and

(B) if all requirements of the development and building codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work.

(7) Appeal. If a predesignation certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(8) Reapplication. If a final decision is reached denying a predesignation certificate of appropriateness, no further applications may be considered for the subject matter of the denied predesignation certificate of appropriateness unless the predesignation certificate of

appropriateness has been denied without prejudice or the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request for a new hearing.

(9) Suspension of work. After the work authorized by the predesignation certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

(10) Revocation. The director may, in writing, revoke a predesignation certificate of appropriateness if:

(A) the predesignation certificate of appropriateness was issued on the basis of incorrect information supplied;

(B) the predesignation certificate of appropriateness was issued in violation of the regulations contained in this section, the proposed preservation criteria, or the development code or building codes; or

(C) the work is not performed in accordance with the predesignation certificate of appropriateness, the development code, or building codes.

(11) Amendments to a predesignation certificate of appropriateness. A predesignation certificate of appropriateness may be amended by submitting an application for amendment to the director. The application shall then be subject to the standard predesignation certificate of appropriateness review procedure.

(12) Effect of approval of the historic overlay district. A predesignation certificate of appropriateness will be treated as a certificate of appropriateness after the effective date of the ordinance implementing the historic overlay district.

(e) Additional uses and regulations.

(1) A historic overlay district is a zoning overlay which supplements the primary underlying zoning district classification. A historic overlay district is subject to the regulations of the underlying zoning district, except the ordinance establishing the historic overlay district may permit additional uses and provide additional regulations for the historic overlay district.

(2) If there is a conflict, the regulations contained in the historic overlay district ordinance control over the regulations of the underlying zoning district. If there is a conflict, the regulations contained in the historic overlay district ordinance control over the regulations of this section.

(3) The historic overlay district ordinance may include preservation criteria for the interior of historic structures if the interior is customarily open and accessible to the public and the interior has extraordinary architectural, archaeological, cultural, economic, social, ethnic, political or historical value. Unless there are specific provisions for the interior, the preservation criteria in the historic overlay district ordinance and the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties apply only to the exterior of structures within a historic overlay district.

(4) The landmark commission shall consider the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties ("the Standards"), as amended, when reviewing applications for predesignation and standard certificates of appropriateness. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The Standards are common sense principles in non-technical language developed to help promote consistent rehabilitation practices. It should be understood that the Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. The director shall make the current Standards available for public inspection at all times. For informational purposes, the Standards published at Section 68.3 of Title 36 of the Code of Federal Regulations (current through January 1, 2001) are set forth below:

(A) A property will be used as it was historically or be given a new use that requires minimal changes to its distinctive materials, features, spaces and spatial relationships.

(B) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

(C) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

(D) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(E) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(F) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(G) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(H) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(I) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(J) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(f) Notice of designation.

(1) Upon passage of a historic overlay district ordinance, the director shall send a notice to the owner or owners of property within the historic overlay district stating the effect of the designation, the regulations governing the historic overlay district, and the historic preservation incentives that may be available.

(2) Upon passage of a historic overlay district ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the historic regulations. Pursuant to Texas Local Government Code Section 315.006, the director shall also file in the county deed records a verified written instrument listing each historic structure or property by the street address, if available, the legal description of the real property, and the name of the owner, if available.

(3) The director may erect suitable plaques appropriately identifying each historic overlay district.

(g) Certificate of appropriateness.

(1) When required. A person shall not alter a site within a historic overlay district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with this subsection and the regulations and preservation criteria contained and in the historic overlay district ordinance.

(2) Penalty. A person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

(3) Application. An application for a certificate of appropriateness must be submitted to the director. The application must include complete documentation of the proposed work. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. No application shall be deemed to be filed until it is made on forms promulgated by the director and contains all required supporting plans, designs, photographs, reports, and other exhibits required by the director. The applicant may consult with the department before and after the submission of an application.

(4) Director's determination of procedure. Upon receipt of an application for a certificate of appropriateness, the director shall determine whether the application is to be reviewed under the routine work review procedure or the standard certificate of appropriateness review procedure.

(5) Routine maintenance work review procedure.

(A) If the director determines that the applicant is seeking a certificate of appropriateness to authorize only routine maintenance work, he may review the application to determine whether the proposed work complies with the regulations contained in this section and the preservation criteria contained in the historic overlay district ordinance and approve or deny the application within 20 days after a complete application is filed. The applicant must supply complete documentation of the work. Upon request, staff will forward copies of applications to the task force. The director may forward any application to the landmark commission for review.

(B) Routine maintenance work includes:

(i) the installation of a chimney located on an accessory building, or on the rear 50 percent of a main building and not part of the corner side facade;

(ii) the installation of an awning located on an accessory building, or on the rear facade of a main building;

(iii) the replacement of a roof of the same or an original material that does not include a change in color;

(iv) the installation of a wood or chain link fence that is not painted or stained;

(v) the installation of gutters and downspouts of a color that matches or complements the dominant trim or roof color;

(vi) the installation of skylights and solar panels;

(vii) the installation of storm windows and doors;

(viii) the installation of window and door screens;

(ix) the application of paint that is the same as the existing or that is an appropriate dominant, trim, or accent color;

(x) the restoration of original architectural elements;

(xi) minor repair using the same material and design as the original;

(xii) repair of sidewalks and driveways using the same type and color of materials;

(xiii) the process of cleaning (including but not limited to low-pressure water blasting and stripping), but excluding sandblasting and high-pressure water blasting; and

(xiv) painting, replacing, duplicating, or stabilizing deteriorated or damaged architectural features (including but not limited to roofing, windows, columns, and siding) in order to maintain the structure and to slow deterioration.

(C) The applicant may appeal the director's decision by submitting to the director a written request for appeal within 10 days of the decision. The written request for appeal starts the standard certificate of appropriateness review procedure by the landmark commission.

(6) Standard certificate of appropriate-ness review procedure.

(A) If the director determines that the applicant is seeking a certificate of appropriateness to authorize work that is not routine maintenance work, or if the director's decision concerning a certificate of appropriateness to authorize only routine maintenance work is appealed, the director shall immediately forward the application to the landmark commission for review.

(B) Upon receipt of an application for a certificate of appropriateness, the director shall determine whether the structure is contributing or noncontributing. Within 40 days after a complete application is filed for a noncontributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. Within 65 days after a complete application is filed for a contributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the certificate of appropriateness and forward its decision to the director. The landmark commission may approve a certificate of appropriateness for work that does not strictly comply with the preservation criteria upon a finding that the proposed work is historically accurate and is consistent with the spirit and intent of the preservation criteria and that the proposed work will not adversely affect the historic character of the property or the integrity of the historic overlay district. The landmark commission may impose conditions on the certificate of appropriateness. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. The director shall immediately notify the applicant of the landmark commission's action. The landmark commission's decision must be in writing and, if the decision is to deny the certificate of appropriateness, with or without prejudice, the writing must state the reasons why the certificate of appropriateness is denied.

(C) Standard for approval. The landmark commission must grant the application if it determines that:

(i) for contributing structures:

(aa) the proposed work is consistent with the regulations contained in this section and the preservation criteria contained in the historic overlay district ordinance;

(bb) the proposed work will not have an adverse effect on the architectural features of the structure;

(cc) the proposed work will not have an adverse effect on the historic overlay district; and

(dd) the proposed work will not have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.

(ii) for noncontributing structures, the proposed work is compatible with the historic overlay district.

(D) Issuance. If a certificate of appropriateness has been approved by the landmark commission or if final action has not been taken by the landmark commission within 40 days (for a noncontributing structure) or 65 days (for a contributing structure) after a complete application is filed:

(i) the director shall issue the certificate of appropriateness to the applicant; and

(ii) if all requirements of the development and building codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work.

(E) Appeal. If a certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(F) Reapplication. If a final decision is reached denying a certificate of appropriateness, no further applications may be considered for the subject matter of the denied certificate of appropriateness for one year from the date of the final decision unless:

(i) the certificate of appropriateness has been denied without prejudice; or

(ii) the landmark commission waives the time limitation because the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request for waiver of the time limitation.

(G) Suspension of work. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

(H) Revocation. The director may, in writing, revoke a certificate of appropriateness if:

- (i) the certificate of appropriateness was issued on the basis of incorrect information supplied;
- (ii) the certificate of appropriateness was issued in violation of the regulations contained in this section, the preservation criteria contained in the historic overlay district ordinance, the development code, or building codes; or
- (iii) the work is not performed in accordance with the certificate of appropriateness, the development code, or building codes.

(I) Amendments to a certificate of appropriateness. A certificate of appropriateness may be amended by submitting an application for amendment to the director. The application shall then be subject to the standard certificate of appropriateness review procedure.

(8) Emergency procedure. If a structure on a property subject to the predesignation moratorium or a structure in a historic overlay district is damaged and the building official determines that the structure is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure. In such a case, the property owner shall apply for a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal within 10 days of the occurrence which caused the damage. The protection authorized under this subsection must not permanently alter the architectural features of the structure.

(h) Certificate for demolition or removal.

(1) Findings and purpose. Demolition or removal of a historic structure constitutes an irreplaceable loss to the quality and character of the city. Therefore, demolition or removal of historic structures should be allowed only for the reasons described in this subsection.

(2) Application. A property owner seeking demolition or removal of a structure on a property subject to the predesignation moratorium or a structure in a historic overlay district must submit a complete application for a certificate for demolition or removal to the landmark commission. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. The application must be accompanied by the following documentation before it will be considered complete:

- (A) An affidavit in which the owner swears or affirms that all information submitted in the application is true and correct.
- (B) An indication that the demolition or removal is sought for one or more of the following reasons:
  - (i) To replace the structure with a new structure that is more appropriate and compatible with the historic overlay district.
  - (ii) No economically viable use of the property exists.
  - (iii) The structure poses an imminent threat to public health or safety.
  - (iv) The structure is non-contributing to the historic overlay district because it is newer than the period of historic significance.
- (C) For an application to replace the structure with a new structure that is more appropriate and compatible with the historic overlay district:
  - (i) Records depicting the original construction of the structure, including drawings, pictures, or written descriptions.
  - (ii) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.
  - (iii) Any conditions proposed to be placed voluntarily on the new structure that would mitigate the loss of the structure.
  - (iv) Complete architectural drawings of the new structure.
  - (v) A guarantee agreement between the owner and the city that demonstrates the owner's intent and financial ability to construct the new structure. The guarantee agreement must:
    - (aa) contain a covenant to construct the proposed structure by a specific date in accordance with architectural drawings approved by the city through the predesignation certificate of appropriateness process or the certificate of appropriateness process;
    - (bb) require the owner or construction contractor to post a performance and payment bond, letter of credit, escrow agreement, cash deposit, or other arrangement acceptable to the director to ensure construction of the new structure; and
    - (cc) be approved as to form by the city attorney.
- (D) For an application of no economically viable use of the property:
  - (i) The past and current uses of the structure and property.
  - (ii) The name of the owner.
  - (iii) If the owner is a legal entity, the type of entity and states in which it is registered.
  - (iv) The date and price of purchase or other acquisition of the structure and property, and the party from whom acquired, and the owner's current basis in the property.

(v) The relationship, if any, between the owner and the party from whom the structure and property were acquired. (If one or both parties to the transaction were legal entities, any relationships between the officers and the board of directors of the entities must be specified.)

(vi) The assessed value of the structure and property according to the two most recent tax assessments.

(vii) The amount of real estate taxes on the structure and property for the previous two years.

(viii) The current fair market value of the structure and property as determined by an independent licensed appraiser.

(ix) All appraisals obtained by the owner and prospective purchasers within the previous two years in connection with the potential or actual purchase, financing, or ownership of the structure and property.

(x) All listings of the structure and property for sale or rent within the previous two years, prices asked, and offers received.

(xi) A profit and loss statement for the property and structure containing the annual gross income for the previous two years; itemized expenses (including operating and maintenance costs) for the previous two years, including proof that adequate and competent management procedures were followed; the annual cash flow for the previous two years; and proof that the owner has made reasonable efforts to obtain a reasonable rate of return on the owner's investment and labor.

(xii) A mortgage history of the property during the previous five years, including the principal balances and interest rates on the mortgages and the annual debt services on the structure and property.

(xiii) All capital expenditures during the current ownership.

(xiv) Records depicting the current conditions of the structure and property, including drawings, pictures, or written descriptions.

(xv) A study of restoration of the structure or property, performed by a licensed architect, engineer or financial analyst, analyzing the physical feasibility (including architectural and engineering analyses) and financial feasibility (including pro forma profit and loss statements for a ten year period, taking into consideration redevelopment options and all incentives available) of adaptive use of restoration of the structure and property.

(xvi) Any consideration given by the owner to profitable adaptive uses for the structure and property.

(xvii) Construction plans for any proposed development or adaptive reuse, including site plans, floor plans, and elevations.

(xviii) Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the structure.

(xix) Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return.

(E) For an application to demolish or remove a structure that poses an imminent threat to public health or safety:

(i) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.

(ii) A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer.

(iii) A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.

(F) For an application to demolish or remove a structure that is noncontributing to the historic overlay district because the structure is newer than the period of historic significance:

(i) Documentation that the structure is noncontributing to the historic overlay district.

(ii) Documentation of the age of the structure.

(iii) A statement of the purpose of the demolition.

(G) Any other evidence the property owner wishes to submit in support of the application.

(H) Any other evidence requested by the landmark commission or the historic preservation officer.

### (3) Certificate of demolition or removal review procedure.

(A) Economic review panel. For an application of no economically viable use of the property, the landmark commission shall cause to be established an ad hoc three-person economic review panel. The economic review panel must be comprised of three independent experts knowledgeable in the economics of real estate, renovation, and redevelopment. "Independent" as used in this subparagraph means that the expert has no financial interest in the property, its renovation, or redevelopment; is not an employee of the property owner; is not a city employee; is not a member of the landmark commission; and is not compensated for serving on the economic review panel. The economic review panel must consist of one person selected by the landmark commission, one person selected by the property owner, and one person selected by the first two appointees. If the first two appointees cannot agree on a third appointee within 30 days after submission of the documentation supporting the application, the third appointee will be selected by the director within 5 days. Within 35 days after submission of the documentation supporting the application, all appointments to the economic review panel shall be made. Within 35 days after appointment, the economic review panel shall review the submitted documentation; hold a public hearing; consider all options for renovation, adaptive reuse, and redevelopment; and forward a written recommendation to the landmark commission. The historic preservation officer shall provide administrative support to the economic



review panel. The economic review panel's recommendation must be based on the same standard for approval to be used by the landmark commission. An application of no economically viable use will not be considered complete until the economic review panel has made its recommendation to the landmark commission. If the economic review panel is unable to reach a consensus, the report will indicate the majority and minority recommendations.

(B) Within 65 days after submission of a complete application, the landmark commission shall hold a public hearing and shall approve or deny the application. If the landmark commission does not make a final decision within that time, the building official shall issue a permit to allow the requested demolition or removal. The property owner has the burden of proof to establish by clear and convincing evidence the necessary facts to warrant favorable action by the landmark commission.

(4) Standard for approval. The landmark commission shall deny the application unless it makes the following findings:

(A) The landmark commission must deny an application to replace a structure with a new structure unless it finds that:

(i) the new structure is more appropriate and compatible with the historic overlay district than the structure to be demolished or removed; and

(ii) the owner has the financial ability and intent to build the new structure. The landmark commission must first approve the predesignation certificate of appropriateness or certificate of appropriateness for the proposed new structure and the guarantee agreement to construct the new structure before it may consider the application to demolish or remove.

(B) The landmark commission must deny an application of no economically viable use of the property unless it finds that:

(i) the structure is incapable of earning a reasonable economic return unless the demolition or removal is allowed (a reasonable economic return does not have to be the most profitable return possible);

(ii) the structure cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; and

(iii) the owner has failed during the last two years to find a developer, financier, purchaser, or tenant that would enable the owner to realize a reasonable economic return, despite having made substantial ongoing efforts to do so.

(C) The landmark commission must deny an application to demolish or remove a structure that poses an imminent threat to public health or safety unless it finds that:

(i) the structure constitutes a documented major and imminent threat to public health and safety;

(ii) the demolition or removal is required to alleviate the threat to public health and safety; and

(iii) there is no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.

(D) The landmark commission must deny an application to demolish or remove a structure that is noncontributing to the historic overlay district because it is newer than the period of historic significance unless it finds that:

(i) the structure is non-contributing to the historic overlay district;

(ii) the structure is newer than the period of historic significance for the historic overlay district; and

(iii) demolition of the structure will not adversely affect the historic character of the property or the integrity of the historic overlay district.

(5) Appeal. The chair of the landmark commission shall give verbal notice of the right to appeal at the time a decision on the application is made. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. Any interested person may appeal the decision of the landmark commission to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. If no appeal is made of a decision to approve the certificate for demolition or removal within the 30-day period, the building official shall issue the permit to allow demolition or removal. If an appeal is filed, the city plan commission shall hear and decide the appeal within 65 days after the date of its filing. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(6) Reapplication. If a final decision is reached denying a certificate for demolition or removal, no further applications may be considered for the subject matter of the denied certificate for demolition or removal for one year from the date of the final decision unless:

(A) the certificate for demolition or removal has been denied without prejudice; or

(B) the landmark commission waives the time limitation because the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request

for waiver of the time limitation.

(7) Expiration. A certificate for demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from the date of the certificate for demolition or removal. The director may extend the time for commencement of work upon written request by the applicant showing circumstances beyond the control of the applicant. If the certificate for demolition or removal expires, a new certificate for demolition or removal must first be obtained before the work can be commenced.

(i) Certificate for demolition for a residential structure with no more than 3,000 square feet of floor area pursuant to court order.

(1) Findings and purpose. Demolition of a historic structure constitutes an irreplaceable loss to the quality and character of the city. Elimination of substandard structures that have been declared urban nuisances and ordered demolished pursuant to court order is necessary to prevent blight and safeguard the public health, safety, and welfare. Therefore, the procedures in this subsection seek to preserve historic structures while eliminating urban nuisances.

(2) Notice to landmark commission by email. A requirement of this subsection that the landmark commission be provided written notice of a matter is satisfied if an email containing the required information is sent to every member of the landmark commission who has provided an email address to the director.

(3) Referral of demolition request to landmark commission and director. When a city department requests the city attorney's office to seek an order from a court or other tribunal requiring demolition of a residential structure with no more than 3,000 square feet of floor area on a property subject to a predesignation moratorium or in a historic overlay district, that department shall provide written notice to the landmark commission and director of that request within two business days after the date it makes the request. The notice must include a photograph of the structure, the address of the property, and (if known) the name, address, and telephone number of the property owner. If the city attorney's office determines that the department did not provide the required notice, the city attorney's office shall provide that notice within two business days after the date it determines that the department did not provide the notice.

(4) Notice of court proceedings to landmark commission and director. The city attorney's office shall provide written notice to the landmark commission and director at least 10 days before any hearing before a court or other tribunal where the city attorney's office seeks an order requiring demolition of a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district. If a court or other tribunal orders demolition of the structure subject to a predesignation moratorium or in a historic overlay district, the city attorney's office shall provide written notice to the landmark commission and director within five days after the order is signed and provided to the city attorney's office.

(5) Application. If the city or a property owner seeks demolition of a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district pursuant to an order from a court or other tribunal requiring demolition obtained by the city, a complete application for a certificate for demolition must be submitted to the landmark commission. Within 10 days after submission of an application, the director shall notify the city's representative or the property owner in writing of any documentation required but not submitted. The application must be accompanied by the following documentation before it will be considered complete:

(A) An affidavit in which the city representative or the property owner affirms that all information submitted in the application is correct.

(B) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions, and including Historic American Buildings Survey or Historic American Engineering Records documentation if required by law or agreement.

(C) A signed order from a court or other tribunal requiring the demolition of the structure in a proceeding brought pursuant to Texas Local Government Code Chapters 54 or 214, as amended.

(D) A copy of a written notice of intent to apply for a certificate for demolition that was submitted to the director and the landmark commission at least 30 days before the application.

(E) Any other evidence the city representative or property owner wishes to submit in support of the application.

(6) Hearing. Within 40 days after submission of a complete application, the landmark commission shall hold a public hearing to determine whether the structure should be demolished. If the landmark commission does not make a final decision on the application or suspend the granting of the certificate of demolition pursuant to this subsection within that time, the building official shall issue a demolition permit to allow the demolition. The city representative or the property owner has the burden of proof to establish by a preponderance of the evidence the necessary facts to warrant favorable action by the landmark commission.

(7) Standard for approval. The landmark commission shall approve the certificate for demolition if it finds that:

(A) a court or other tribunal has issued a final order requiring the demolition of the structure pursuant to Texas Local Government Code Chapters 54 or 214, as amended; and

(B) suspension of the certificate for demolition is not a feasible option to alleviate the nuisance in a timely manner.

(8) Suspension. The purpose of the suspension periods is to allow an interested party to rehabilitate the structure as an alternative to demolition.

(A) Residential structures with no more than 3,000 square feet of floor area.

(i) Initial suspension period.

(aa) The landmark commission may suspend the granting of the certificate for demolition until the next regularly scheduled

landmark commission meeting (the initial suspension period) to allow time to find a party interested in rehabilitating the structure.

(bb) If during the initial suspension period no interested party is identified, the landmark commission shall grant the certificate for demolition.

(cc) If during the initial suspension period an interested party is identified, the landmark commission shall suspend the granting of the certificate for demolition for no more than two more regularly scheduled landmark commission meetings (the extended suspension period).

(ii) Extended suspension period.

(aa) During the extended suspension period, the interested party shall:

- [1] submit an application for a predesignation certificate of appropriateness or a certificate of appropriateness;
- [2] provide evidence that the interested party has or will obtain title to the property and has authority to rehabilitate the structure, or is authorized to rehabilitate the property by a party who has title to the property or has the right to rehabilitate the property;
- [3] provide evidence that the structure and property have been secured to prevent unauthorized entry; and
- [4] provide a guarantee agreement that:

[A] contains a covenant to rehabilitate the structure by a specific date, in accordance with the predesignation certificate of appropriateness process or certificate of appropriateness, which the landmark commission may extend if the interested party shows circumstances preventing rehabilitation of the structure by that date that are beyond the control of the interested party;

[B] is supported by a performance and payment bond, letter of credit, escrow agreement, cash deposit, or other similar enforceable arrangement acceptable to the director to ensure rehabilitation of the structure; and

[C] is approved as to form by the city attorney.

(bb) If during the extended suspension period the interested party does not meet the requirements of Subparagraph (A)(ii), the landmark commission shall grant the certificate for demolition.

(cc) If during the extended suspension period the interested party meets the requirements of Subparagraph (A)(ii), the landmark commission shall continue to suspend the granting of the certificate for demolition (the continuing suspension period).

(iii) Continuing suspension period.

(aa) The interested party must rehabilitate the structure to comply with Dallas City Code Chapter 27 and request an inspection by the city before the end of the continuing suspension period.

(bb) At each landmark commission meeting during the continuing suspension period, the interested party shall provide a progress report demonstrating that reasonable and continuous progress is being made toward completion of the rehabilitation.

(cc) If during the continuing suspension period the landmark commission finds that the interested party is not making reasonable and continuous progress toward completion of the rehabilitation, the landmark commission shall grant the certificate for demolition, unless the interested party shows circumstances preventing reasonable and continuous progress that are beyond the control of the interested party.

(dd) If during the continuing suspension period the landmark commission finds that the interested party has rehabilitated the structure to comply with Dallas City Code Chapter 27, the landmark commission shall deny the certificate for demolition.

(9) Appeal. The city representative or property owner may appeal a decision of the landmark commission under this subsection to the city plan commission by filing a written notice with the director within 10 days after the date of the decision of the landmark commission. The city plan commission shall hear and decide the appeal at the next available city plan commission meeting. The standard of review shall be *de novo*, but the director shall forward to the city plan commission a transcript of the landmark commission hearing. In considering the appeal, the city plan commission may not hear or consider new evidence unless the evidence corrects a misstatement or material omission at the landmark commission hearing or the evidence shows that the condition of the property has changed since the landmark commission hearing. The city plan commission chair shall rule on the admissibility of new evidence. The city plan commission shall use the same standard required for the landmark commission. The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings; however, the city plan commission shall give deference to the decision of the landmark commission. Appeal to the city plan commission constitutes the final administrative remedy.

(10) Expiration. A certificate for demolition expires if the work authorized by the certificate for demolition is not commenced within 180 days after the date of the certificate for demolition. The director may extend the time for commencement of work upon written request by the city representative or the property owner showing circumstances justifying the extension. If the certificate for demolition expires, a new certificate for demolition must first be obtained before the work can be commenced.

(11) Procedures for all other structures. If the city or a property owner seeks demolition of any structure other than a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district pursuant to an order from a court or other tribunal requiring demolition obtained by the city, an application must be filed under Subsection (h) of this section.

(j) Summary abatement by fire marshal. If the fire marshal finds that conditions on a structure subject to a predesignation moratorium

or in a historic overlay district are hazardous to life or property and present a clear and present danger, the fire marshal may summarily abate those conditions without a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition.

(k) Demolition by neglect.

(1) Definition. Demolition by neglect is neglect in the maintenance of any structure on property subject to the predesignation moratorium or in a historic overlay district that results in deterioration of the structure and threatens the preservation of the structure.

(2) Demolition by neglect prohibited. No person shall allow a structure to deteriorate through demolition by neglect. All structures on properties subject to the predesignation moratorium and in historic overlay districts must be preserved against deterioration and kept free from structural defects. The property owner or the property owner's agent with control over the structure, in keeping with the city's minimum housing standards and building codes, must repair the structure if it is found to have any of the following defects:

(A) Parts which are improperly or inadequately attached so that they may fall and injure persons or property.

(B) A deteriorated or inadequate foundation.

(C) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed.

(D) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration, or are insufficient to carry the loads imposed.

(E) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration, or are insufficient to support the loads imposed.

(F) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration, or are of insufficient size or strength to carry the loads imposed.

(G) Deteriorated, crumbling, or loose exterior stucco or mortar.

(H) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken or open windows and doors.

(I) Defective or lack of weather protection for exterior wall coverings, including lack of paint or other protective covering.

(J) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.

(K) Deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety.

(L) Deterioration or removal of any unique architectural feature which would detract from the original architectural style.

(3) Demolition by neglect procedure.

(A) Purpose. The purpose of the demolition by neglect procedure is to allow the landmark commission to work with the property owner to encourage maintenance and stabilization of the structure and identify resources available before any enforcement action is taken.

(B) Request for investigation. Any interested party may request that the historic preservation officer investigate whether a property is being demolished by neglect.

(C) First meeting with the property owner. Upon receipt of a request, the historic preservation officer shall meet with the property owner or the property owner's agent with control of the structure to inspect the structure and discuss the resources available for financing any necessary repairs. After the meeting, the historic preservation officer shall prepare a report for the landmark commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, any resources available for financing the repairs, and the amount of time needed to complete the repairs.

(D) Certification and notice. After review of the report, the landmark commission may vote to certify the property as a demolition by neglect case. If the landmark commission certifies the structure as a demolition by neglect case, the landmark commission shall notify the property owner or the property owner's agent with control over the structure of the repairs that must be made. The notice must require that repairs be started within 30 days and set a deadline for completion of the repairs. The notice must be sent by certified mail.

(E) Second meeting with the property owner. The historic preservation officer shall meet with the property owner or the property owner's agent with control over the structure within 30 days after the notice was sent to inspect any repairs completed and assist the property owner in obtaining any resources available for financing the repairs.

(F) Referral for enforcement. If the property owner or the property owner's agent with control over the structure fails to start repairs by the deadline set in the notice, fails to make continuous progress toward completion, or fails to complete repairs by the deadline set in the notice, the landmark commission may refer the demolition by neglect case to the code compliance department or the city attorney for appropriate enforcement action to prevent demolition by neglect.

(I) Historic preservation incentives. Consult Article XI, "Development Incentives," for regulations concerning the tax exemptions, conservation easements, and transfer of development rights available to structures in historic overlay districts.

(m) Historic preservation fund.

(1) The department, in cooperation with community organizations, shall develop appropriate funding structures and shall administer the historic preservation fund.

(2) The historic preservation fund is composed of the following funds:

(A) Outside funding (other than city general funds or capital funds), such as grants and donations, made to the city for the purpose of historic preservation and funding partnerships with community organizations.

(B) Damages recovered pursuant to Texas Local Government Code Section 315.006 from persons who illegally demolish or adversely affect historic structures.

(3) The outside funding may be used for financing the following activities:

(A) Necessary repairs in demolition by neglect cases.

(B) Full or partial restoration of low-income residential and nonresidential structures.

(C) Full or partial restoration of publicly owned historic structures.

(D) Acquisition of historic structures, places, or areas through gift or purchase.

(E) Public education of the benefits of historic preservation or the regulations governing historic overlay districts.

(F) Identification and cataloging of structures, places, areas, and districts of historical, cultural, or architectural value along with factual verification of their significance.

(4) Damages recovered pursuant to Texas Local Government Code Section 315.006 must be used only for the following purposes:

(A) Construction, using as many of the original materials as possible, of a structure that is a reasonable facsimile of a demolished historic structure.

(B) Restoration, using as many of the original materials as possible, of the historic structure.

(C) Restoration of another historic structure.

(n) Enforcement and criminal penalties.

(1) A person is criminally responsible for a violation of this section if:

(A) the person owns part or all of the property and knowingly allows the violation to exist;

(B) the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials;

(C) the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property; or

(D) the person knowingly commits the violation or assists in the commission of the violation.

(2) Any person who adversely affects or demolishes a structure on property subject to the predesignation moratorium or in a historic overlay district in violation of this section is liable pursuant to Texas Local Government Code Section 315.006 for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No predesignation certificates of appropriateness, certificates of appropriateness, or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

(3) Prosecution in municipal court for an offense under this section does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

(o) Substantial evidence standard of review for appeals. The city plan commission shall give deference to the landmark commission decision and may not substitute its judgment for the landmark commission's judgment.

(1) The city plan commission shall remand the matter back to the landmark commission if it determines that there is new testimony or evidence that was not available at the landmark commission hearing.

(2) The city plan commission shall affirm the landmark commission decision unless it finds that it:

(A) violates a statutory or ordinance provision;

(B) exceeds the landmark commission's authority; or

(C) was not reasonably supported by substantial evidence considering the evidence in the record.

(p) Judicial review of decisions. The final decision of the city planning commission regarding an appeal of a landmark commission decision may be appealed to a state district court. The appeal to the state district court must be filed within 30 days after the decision of the city planning commission. If no appeal is made to the state district court within the 30-day period, then the decision of the city plan commission is final and unappealable. An appeal to the state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 19455; 19499; 20585; 21244; 21403; 21513; 21874; 22018; 23506; 23898; 24163; 24542; 24544; 25047; 26286; 27430; 27922; 28073; 28553; 29478, eff. 10/1/14; 31433.)

4-26-06

ORDINANCE NO. 26331

An ordinance changing the zoning classification on the following property:

BEING an area generally bounded by Gaston Avenue, Henderson Avenue, Reiger Avenue, East Side Avenue, Abrams Road, Columbia Avenue, Glasgow Drive, Abrams Road, and Nesbitt Drive, and containing approximately 190.2 acres,

by establishing Historic Overlay District No. 128 (Junius Heights); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property hereinafter described; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 128 on the property described in Exhibit A ("the Property"), which is attached to and made a part of this ordinance.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That, except as provided in the preservation criteria, a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit B.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That the director of development services shall correct Zoning District Map No. I-8 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

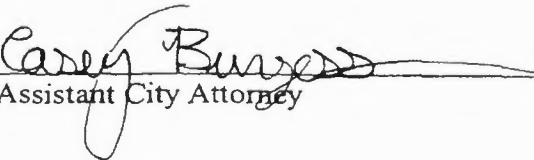
SECTION 7. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By   
Assistant City Attorney

Passed APR 26 2006



## 26331

**EXHIBIT A**  
**JUNIUS HEIGHTS BOUNDARY DESCRIPTION**

The Junius Heights legal description consists of the following City Blocks and Lots and being further divided into six subdistricts:

City Block 1490 Tract/Lots 1-23, and City Block 2/1864 Lots 1-7 and 8-14, and City Block 3/1865 Lots 1-14, and City Block 4/1866 Lots 1-14, and City Block 5/1868 Lots 1-14, and City Block 6/1869 Lots 1-14, and City Block 7/1883 Lots 1-16, and City Block 8/1883 Lots 1-15, and City Block 9/1884 Lots 1-14, and City Block 21/1884 Lots 8-16, and City Block 4/1884 Lots 1-9, City Block 5/1884 Lots 9-16, City Block 1493 Lots 14 and 15 and, City Block B/609 Lots 6 and 6A and, City Block C/455 Lots 1-9 and part of 11 that fronts on Reiger Avenue and Augusta Street, and that part of City Block D/432 located north and west of Columbia Avenue/Abrams Road, and City Block 18/1658 Lots 1 through 5 and Lot 18, and City Block B/1664 Lots 1-4, and City Block B/1670 Lots 1-4 and 15-18 and City Block C/1670 Lots 1A, 2A, 3A, 1B, 2B, and 3B, and City Block A/697 Lots 1-15 and all of the following City Blocks: V/1496, 1/1496, V/1495, 1/1495, 1494, 1/1589, 2/1590, 3/1647, 5/1649, A/1659, B/1660, A/1663, 1489, 10/1592, 9/1591, 8/1652, 7/1651, 6/1650, D/1662, C/1661, A/1488, 11/1593, 12/1594, 13/1653, 14/1654, 15/1655, A/1670, B/1488, 20/1596, 19/1595, 17/1657, 16/1656, and 21/1617.

**Tract A:**

City Block V/1495 Lots 5-16 and City Block 1/1495 Lots 1-7 and 12-17, and City Block 2/1864 Lots 1-7 and 8-14, and City Block 3/1865 Lots 1-14, and City Block 4/1866 Lots 1-14, and City Block 5/1868 Lots 8-14.

**Tract B:**

City Block 5/1868 Lots 1-7, and City Block 6/1869 Lots 1-14, and City Block 7/1883 Lots 1-16, and City Block 8/1883 Lots 1-15, and City Block 9/1884 Lots 1-14, and City Block 21/1884 Lots 8-14, and City Block 4/1884 Lots 1-7, and City Block 5/1884 Lots 9-16.

**Tract C:**

City Block V/1496 Lots 1-4 and City Block 1/1496 Lots 8-11 and City Block 21/1884 Lots 15 and 16 and City Block 4/1884 Lots 8 and 9.

**Tract D:**

City Block A/697 Lots 14 and 15, and City Block 1490 Tracts/Lots 1-8 and Tracts/Lots 10, 12, 14, 16, 19, 20, 23, and City Block 1493 Lots 14 and 15, and City Block B/609 Lots 6 and 6A, and City Block C/455 Lots 1-9 and part of 11 that fronts on Reiger Avenue and Augusta Street, and City Block D/432 north and west of Columbia Avenue/Abrams Road, and City Block 18/1658 Lots 1 through 5 and Lot 18, and City Block B/1664 Lots 1-4, and City Block B/1670 Lots 1-4 and 15-18 and City Block C/1670 Lots 1A, 2A, 3A, 1B, 2B, and 3B, and all of City Blocks: 1494, 1/1589, 2/1590, 3/1647, 4/1648, 5/1649, A/1659, B/1660, A/1663, 1489, 10/1592, 9/1591, 8/1652, 7/1651, 6/1650, D/1662, C/1661, A/1488, 11/1593, 12/1594, 13/1653, 14/1654, 15/1655, A/1670, B/1488, 20/1596, 19/1595, 17/1657, 16/1656, and 21/1617.

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**Tract E:**

City Block A/697 Lots 1-13.

**Tract F:**

City Block 1490 Tracts/Lots 9, 11, 13, 15, 17, 18, 21, and 22.

**EXHIBIT B**  
**PRESERVATION CRITERIA**  
**JUNIUS HEIGHTS**

**1. GENERAL**

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. In the event of a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness
  - a. Except as provided in Item 1.3(c), a person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
  - b. Except as provided in Item 1.3(c), the certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
  - c. A certificate of appropriateness is not required for routine maintenance at a school in Tract D. A certificate of appropriateness is required for routine maintenance for all other uses.
  - d. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
  - e. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

- 1.5 Preservation and restoration materials and methods used must comply with the *Secretary of the Interior's Standards for Rehabilitation* and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.
- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1900 to 1940.

## 2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 ADDITION means any floor area attached to a main building.
- 2.3 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.4 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.5 COLUMN means the entire column, including the base and capital.
- 2.6 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district.
- 2.7 CORNERSIDE YARD means a side yard abutting a street.
- 2.8 CRAFTSMAN means the Craftsman architectural style as shown in Exhibit D.
- 2.9 DIRECTOR means the Director of the Department of Development Services or the Director's representative.

- 2.10 DISTRICT means Historic Overlay District No. 128, the Junius Heights Historic Overlay District. This district contains the property described in Section 1 of this ordinance. A map of this district is attached to and made a part of this ordinance as Exhibit C. This district is divided into six tracts, to be known as "Tract A," "Tract B," "Tract C," "Tract D," "Tract E," and "Tract F." Property descriptions of Tracts A through F are contained in Exhibit A. A map showing the tract boundaries is attached to and made a part of this ordinance as Exhibit C. In the event of a conflict, between the verbal descriptions in Exhibit A and the depictions in Exhibit C, the verbal description in Exhibit A controls.
- 2.11 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.12 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.13 FRONT FACADE means a facade of a main building facing a front yard.
- 2.14 INTERIOR LOT means a lot other than a corner lot.
- 2.15 INTERIOR SIDE YARD means a side yard not abutting a street or alley.
- 2.16 NEW CONSTRUCTION means a main building built after April 26, 2006, the date of creation of this district.
- 2.17 PRAIRIE means the Prairie architectural style as shown in Exhibit D.
- 2.18 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.19 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.
- 2.20 SIDE FACADE means a facade of a main building facing a side yard.
- 2.21 SOLID-TO-VOID RATIO means the ratio between the voids (i.e., the window and door openings) to the solid (i.e., proportion of a facade that comprises a blank or solid wall).
- 2.22 TUDOR means the Tudor architectural style as shown in Exhibit D.

### 3. SITE AND SITE ELEMENTS

- 3.1 All contributing structures are protected.

- 3.2 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted. Replacement of existing walkways and steps must be consistent with the original style.
- 3.3 No new circular driveways or parking areas are allowed in front yards.
- 3.4 Any new mechanical equipment on the ground must be erected in the side or rear yards, and must be screened.
- 3.5 Landscaping
- a. Outdoor lighting must be appropriate and enhance the structure.
  - b. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
  - c. Existing mature trees in the front yard are protected, except that unhealthy or damaged trees may be removed.
- 3.6 Fences
- a. Location
    - 1. Except as provided in Item 3.6(a)(4), new fences are not permitted in the front yard.
    - 2. Except as provided in Item 3.6(a)(4), fences in interior side yards must be located in the rear 50 percent of the side yard and behind the open front porch of an adjacent house as shown in Exhibit E. If more screening is required for additional security or privacy, the Landmark Commission may allow a fence that is located five feet behind the porch of the house requesting the fence.
    - 3. Except as provided in Item 3.6(a)(4), fences in cornerside yards are not allowed in front of the side facade of the main building unless the Landmark Commission determines that more security or screening is necessary. Fences in cornerside yards must have a two-foot setback from the cornerside yard sidewalk.
    - 4. Chain link fences are allowed in the front and side yards of a school in Tract D for safety purposes.
    - 5. Fence locations are shown in Exhibit E. Front, rear, interior side, and cornerside yards are illustrated in Exhibit F.

b. Height

1. Fences in the rear yard and rear 50 percent of the interior side yard or cornerside yard may not exceed nine feet in height as shown in Exhibit E.
2. Fences in the front 50 percent of the interior side yard or cornerside yard may not exceed eight feet in height.
3. Chain link fences in the front yard of a school in Tract D may not exceed four feet in height.

c. Construction

1. Except as provided in Item 3.6(c)(2), new fences visible from the street must be constructed of brick, stone, wood, metal pickets, or a combination of these materials.
2. For a school in Tract D, new fences visible from the street may be constructed of chain link for safety purposes.
3. The tops of fences must be horizontal, stepped, or parallel to grade, as shown in Exhibit E.
4. The finished side of a fence must face out if seen from any street, as shown in Exhibit E.

**4. FACADES**

4.1 Protected facades

- a. Front facades and the front 50 percent of side facades of contributing structures are protected.
- b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
- c. Historic solid-to-void ratios of protected facades must be maintained.
- d. Brick added to protected facades must match the original brick as closely as possible in color, texture, module size, bond pattern, and mortar color.
- e. Brick, cast stone, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.

- 4.2 All additions and alterations must be architecturally sensitive and appropriate to the overall design of the existing structure.
- 4.3 Wood siding, trim, and detailing must be restored wherever practical.
- 4.4 All exposed wood must be painted, stained, or otherwise preserved.
- 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.6 Paint must be removed in accordance with the *Secretary of the Interior's Standards for Rehabilitation* and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, prior to refinishing.
- 4.7 Vinyl or aluminum siding and exterior insulated finish systems (EIFS) are not permitted on main buildings.
- 4.8 Colors appropriate to the period of historic significance are recommended. No fluorescent or metallic colors are permitted on the exterior of any structure.
- 4.9 All structures must have a dominant body color and no more than three trim colors, including any accent colors. Front porch floors and ceilings do not count as one of these colors. The colors of a structure must complement each other and the overall character of this district. Complimenting color schemes are encouraged throughout the blockface.
- 4.10 Exposing and restoring original historic finish materials is recommended.
- 4.11 Cleaning of the exterior of a structure must be in accordance with the *Secretary of the Interior's Standards for Rehabilitation* and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

## 5. FENESTRATION AND OPENINGS

- 5.1 Historic doors and windows must remain intact and their openings must be preserved on protected facades, except that doors and windows may be replaced if necessary due to damage or deterioration.
- 5.2 It is recommended that non-original or altered original doors and windows that do not match the historic appearance of the main building be replaced with appropriate doors and windows.



- 5.3 Replacement doors and windows must express mullion size, light configuration, and material to match the original.
- 5.4 Storm doors and windows are permitted if they are sensitive additions and match the existing doors and windows in frame width and proportion, glazing material, and color. Wood is the preferred material, but painted or factory-finished aluminum storm doors, storm windows, or screens are permitted. Mill-finished aluminum is not permitted.
- 5.5 Decorative ironwork and burglar bars are permitted over doors or windows on rear facades and accessory structures. Interior mounted burglar bars are permitted on protected facades.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and dark tinted or reflective glazings are not permitted on glass.
- 5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.8 The *Secretary of the Interior's Standards for Rehabilitation* and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

## 6. ROOFS

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed: wood shingles; composition shingles; slate, clay, concrete, or terra-cotta tiles; and other appropriate materials. Roof materials must be appropriate to the historic style of the main building.
- 6.3 Historic eaves, coping, cornices, dormers, parapets, roof trim, gables, and porch roofs must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 6.5 Satellite dishes require a certificate of appropriateness only if they are visible from a street.

**7. PORCHES AND BALCONIES**

- 7.1 Historic porches and balconies on protected facades are protected.
- 7.2 Porches and balconies on protected facades may not be enclosed. It is recommended that existing enclosed porches on protected facades be restored to their historic appearance.
- 7.3 Historic columns, detailing, railings, and trim on porches and balconies are protected.
- 7.4 Front and side porch floor finishes must be concrete, wood, or other appropriate materials. Porch floors may not be covered with carpet. Wood floors must be painted or stained. Brick or stone floors may not be painted. A clear sealant is acceptable on porch floors.

**8. MAIN BUILDING: NEW CONSTRUCTION AND ADDITIONS IN TRACTS A, B, C, D, AND E**

- 8.1 New construction and vertical and horizontal additions to existing main buildings are permitted.
- 8.2 If a contributing structure is destroyed by other than the intentional act of the owner or the owner's agent, it may be rebuilt in the original architectural style of the structure as substantiated by documentary or pictorial evidence.
- 8.3 New construction and vertical or horizontal additions must be compatible with the historic architectural styles for that tract as listed below. Architectural styles are illustrated in Exhibit D.
  - a. Tract A: Except as otherwise provided in this paragraph, new construction and additions must be in the Craftsman style typical to contributing main buildings within this tract.
    - 1. New construction on Dumas Street must have brick veneer on the front and side facades.
    - 2. New construction on Dumont Street, Parkmont Street, Beacon Street, and Huntley Street must have wood siding on the front, side, and rear facades.
    - 3. New construction on Glendale Street may also be in the Prairie style and must have brick veneer or wood siding on the front and sides facades.

- b. Tract B: New construction and additions must be in the Craftsman or Tudor style typical to contributing main buildings within this tract and have brick veneer on the front and side facades.
  - c. Tract C: New construction and additions must follow the architectural requirements in Planned Development District No. 99 (Gaston Avenue). See Section 51P-99.109 of the Dallas Development Code, as amended.
  - d. Tract D: Except as otherwise provided in this paragraph, new construction and additions must be in the Prairie or Craftsman style, typical to contributing main buildings within this tract. New construction and additions to a school building must be compatible with the existing school building.
  - e. Tract E: New construction and additions must be two-story and in the Prairie style typical to contributing main buildings within this tract.
- 8.4 The massing, shape, building and roof form, materials, solid-to-void ratios, details, color, and general appearance of new construction must be compatible with the selected historic architectural style.
- 8.5 The massing, shape, building and roof form, materials, solid-to-void ratios, details, color, and general appearance of additions must be compatible with the existing historic structure.
- 8.6 The height of new construction and vertical or horizontal additions must not exceed the height of similar historic structures on the block.
- 8.7 New construction is prohibited in front and cornerside yards except as noted in Item 8.8 and Section 9. Front, interior side, cornerside, and rear yards are illustrated in Exhibit F.
- 8.8 New construction and additions are permitted in the cornerside yard of a school in Tract D.
- 8.9 The width of new construction must be within 20 percent of the average width of existing structures on the blockface.
- 8.10 New construction on interior lots must have a front yard setback that is equal to the average setback of other structures on the blockface. Front, rear, interior side, and cornerside yards are illustrated in Exhibit F.
- 8.11 New construction on interior lots must have a front driveway on the same side of the main building as typical of other main buildings on the blockface. New construction must have a side yard setback of at least 10 feet on the driveway side of the main building and at least a five-foot side yard setback on the other side of the main building. Driveways must extend to the rear of the main building.

- 8.12 Vinyl, aluminum, or exterior insulated finish systems (EIFS) are not permitted as cladding materials for the construction of a new main building or an addition to an existing historic structure. Cementitious siding is not permitted as cladding of a horizontal or vertical addition.
- 8.13 Chimneys visible from a public street must be clad in masonry.
- 8.14 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

**9. ACCESSORY STRUCTURES FOR TRACTS A, B, C, D, AND E**

- 9.1 Accessory structures are only permitted in the rear yard, except that portable classroom buildings are permitted in the comerside yard of a school in Tract D, and garages may be built in the rear 30 feet of comerside yards.
- 9.2 Accessory structures must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building.
- 9.3 Accessory structures must be at least eight feet from the main building.
- 9.4 Accessory structures in Tracts A, B, D, and E may not exceed a footprint of 600 square feet, unless documentation shows that an original structure exceeding this size was previously on the building site. The 600 square feet footprint requirement does not apply to portable classroom buildings located at a school in Tract D. Accessory structures in Tract C may not exceed a footprint of 1,200 square feet, unless documentation shows that an original structure exceeding this size was previously on the building site.
- 9.5 Cementitious siding is allowed on accessory structures if it is in keeping with the style and materials of the main building. Except as otherwise provided in this paragraph, vinyl and aluminum siding and Exterior Insulated Finish Systems (EIFS) are not permitted on the exterior of accessory structures. Vinyl and aluminum siding are permitted on the exterior of portable classroom buildings located at a school in Tract D.
- 9.6 The eave height of accessory structures may not exceed the eave height of the main building.
- 9.7 If a garage is within 20 feet of the alley pavement and parking is entered from the alley, the garage must have electric garage door openers.

- 9.8 For accessory structures not adjacent to an alley, the minimum rear yard setback is two-and-a-half feet with a one-and-a-half foot allowed roof overhang encroachment. For accessory structures adjacent to an alley, a three-foot setback must be provided. In Tract C, accessory structures must comply with the rear yard setback requirements of Planned Development District No. 99.
- 9.9 Minimum side yard setback for accessory structures is three feet, with a one-and-a-half foot allowed roof overhang encroachment, except that accessory structures in Tract C must comply with the side yard setback requirements for Planned Development District No. 99.
- 9.10 Accessory structures may be rebuilt in the location of a structure that existed prior to April 26, 2006, the date of creation of this district, if the location of the pre-existing structure is properly documented.

#### **10. MAIN BUILDING: NEW CONSTRUCTION AND ADDITIONS IN TRACT F**

- 10.1 New construction and vertical and horizontal additions to existing main buildings are permitted.
- 10.2 New commercial construction and additions must be in the style of the existing 1920's commercial building. New vertical additions to the existing main building must be set back 15 feet from the front facade. New residential construction must be in the Prairie or Craftsman style, typical to contributing main buildings in Tract D.
- 10.3 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

#### **11. ACCESSORY STRUCTURES IN TRACT F**

- 11.1 Accessory structures are permitted in side and rear yards.
- 11.2 Accessory structures may not exceed a footprint of 2,000 square feet.

#### **12. SIGNS**

- 12.1 Signs may be erected if appropriate.

- 12.2 All signs must comply with the provisions of the Dallas City Code, as amended.
- 12.3 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

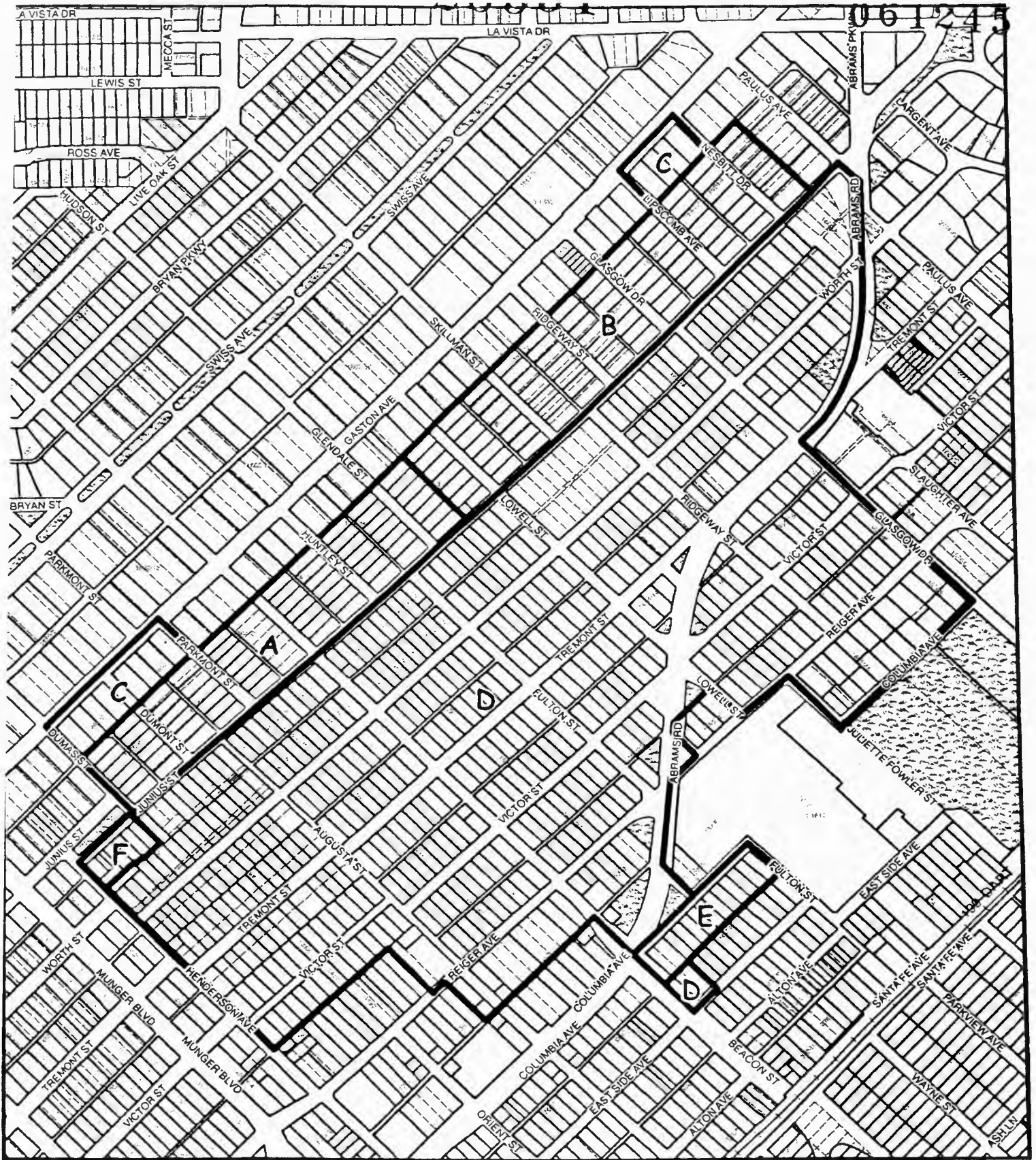
### 13. ENFORCEMENT

- 13.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 13.2 A person is criminally responsible for a violation of these preservation criteria if:
- a. the person owns part or all of the property and knowingly allows the violation to exist;
  - b. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials;
  - c. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property; or
  - d. the person knowingly commits the violation or assists in the commission of the violation.
- 13.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

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- 13.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.



**EXHIBIT C**

**TRACT MAP**

*H/128 (Junius Heights)*

*Contains 6 Tracts*



1:6,800

*Matched to Parcel105 lines*



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Craftsman

1905-1930

low-pitched gabled roof (occasionally hipped) with wide, unenclosed eave overhang

decorative (false) beams or braces under gables

roof rafters usually exposed

porches, either full- or partial-width, with roof supported by square columns

columns or column bases frequently continue to ground level (without break at level of porch floor)



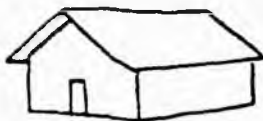
Architectural drawings sourced from A Field Guide To American Houses (1984) with the permission of the author Virginia McAlester.

FRONT-GABLED ROOF

CROSS-GABLED ROOF

SIDE-GABLED ROOF

HIPPED ROOF



pages 456-7

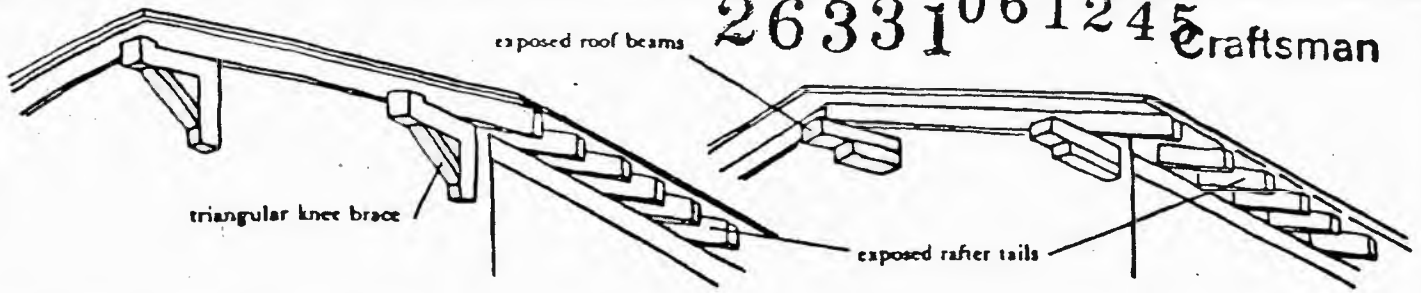
pages 458-9

pages 460-1

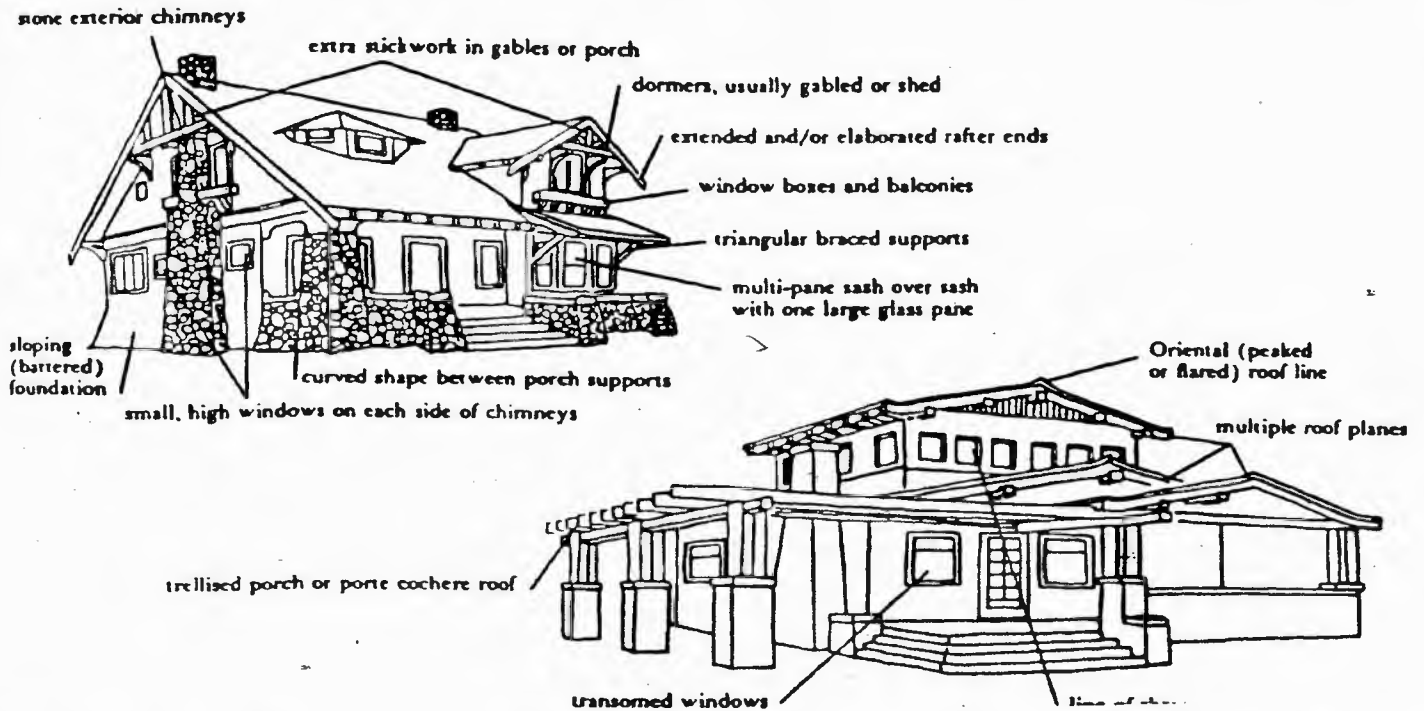
page 463

EXHIBIT D

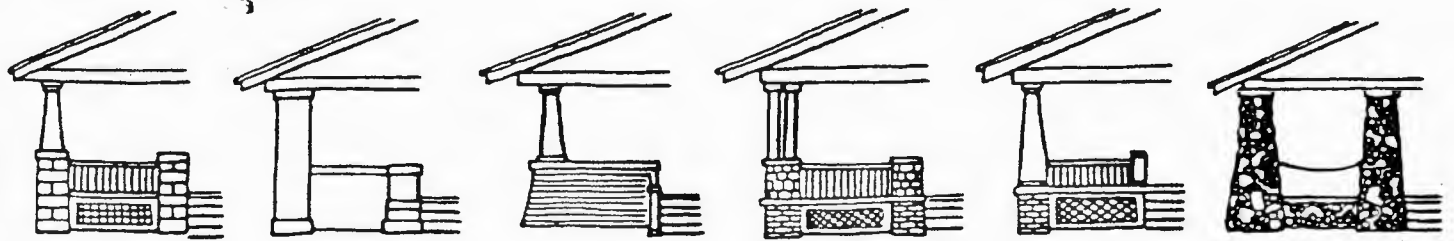
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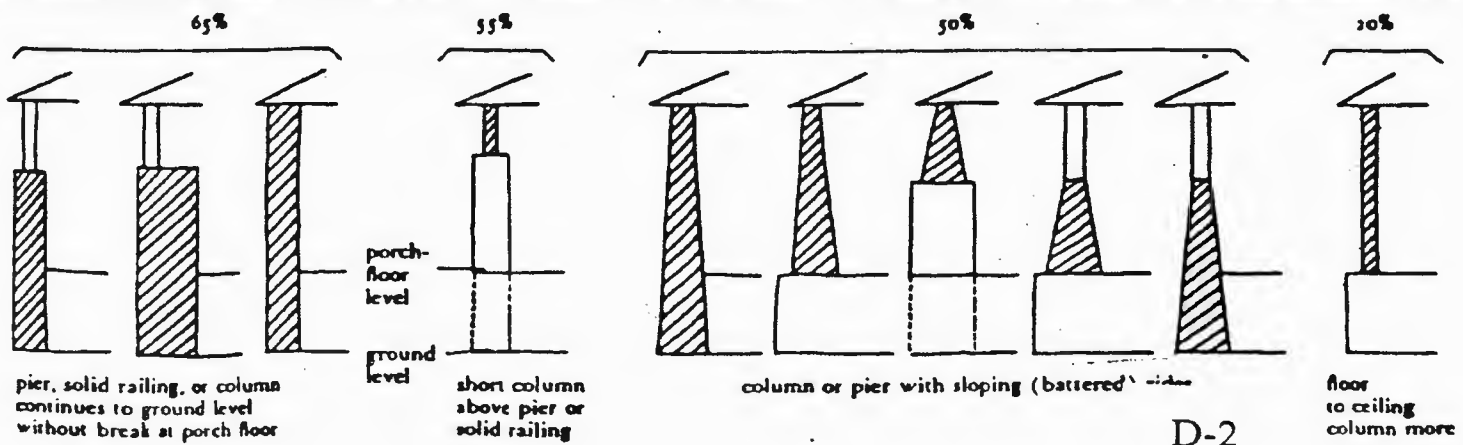
TYPICAL ROOF-WALL JUNCTIONS



TYPICAL ELABORATIONS Architectural drawings sourced from *A Field Guide To American Houses* (1984) with the permission of the author Virginia McAlester.



SOME TYPICAL PORCH SUPPORTS AND PORCH RAILINGS A pier without column is common



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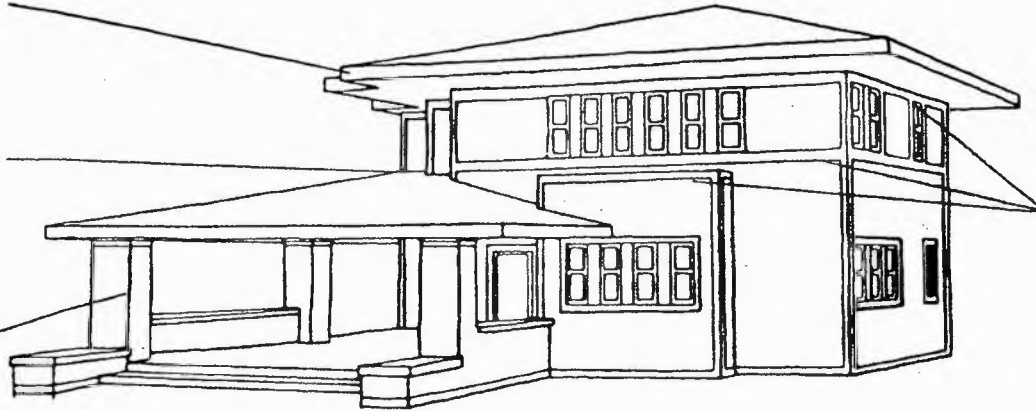
0612 Prairie

1900-1920

low-pitched roof with widely overhanging eaves

two stories with one-story porches or wings

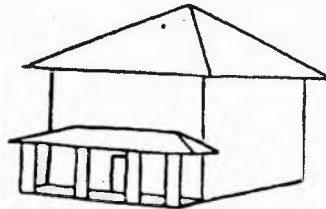
massive square porch supports



detail emphasizing horizontal lines

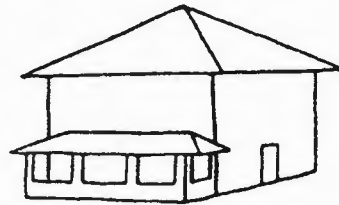
Architectural drawings sourced from A Field Guide To American Houses (1984) with the permission of the author Virginia McAlester.

HIPPED ROOF, SYMMETRICAL, WITH FRONT ENTRY



pages 444-5

HIPPED ROOF, SYMMETRICAL, NO FRONT ENTRY



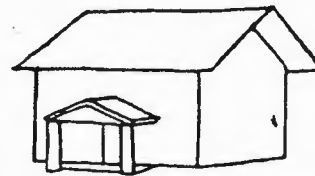
pages 446-7

HIPPED ROOF, ASYMMETRICAL



pages 448-9

GABLED ROOF



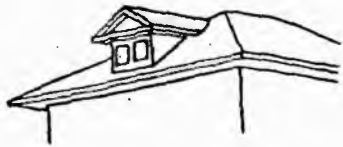
pages 450-1

PRINCIPAL SUBTYPES

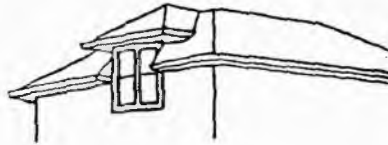
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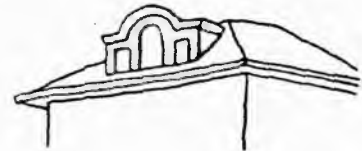
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gable

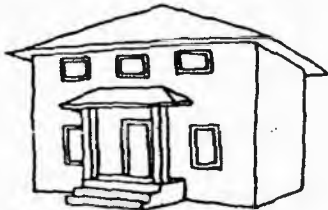


through-cornice



Palladian

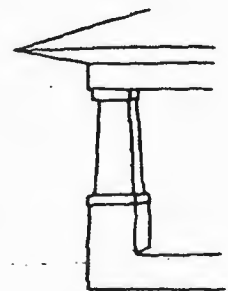
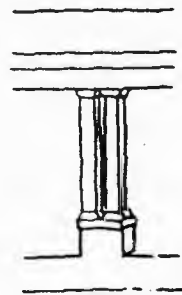
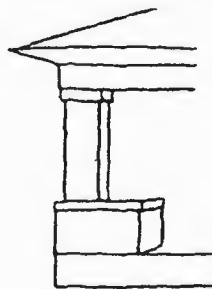
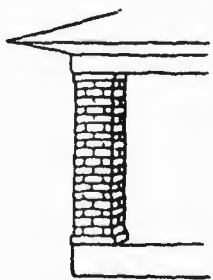
COMMON DORMER VARIANTS



COMMON PORCH VARIANTS

MOST COMMON VERNACULAR FORM

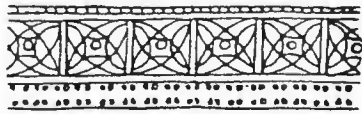
Architectural drawings sourced from *A Field Guide To American Houses* (1984) with the permission of the author Virginia McAlester.



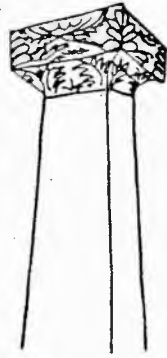
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SULLIVANESQUE  
stylized floral and circular geometric



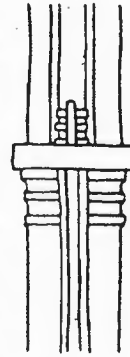
bands at cornice or door



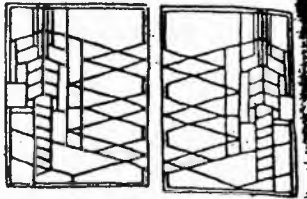
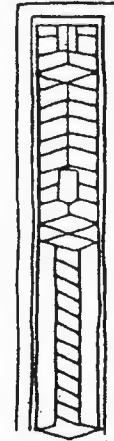
column capitals



terra cotta medallion



column elaboration and capitals

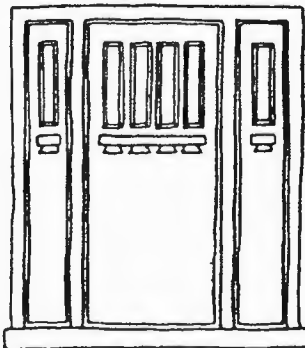
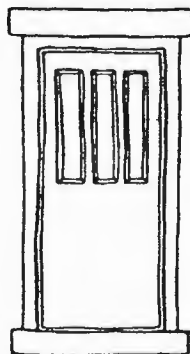
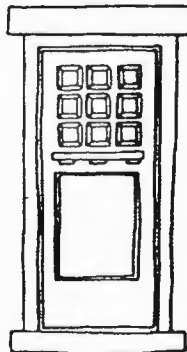
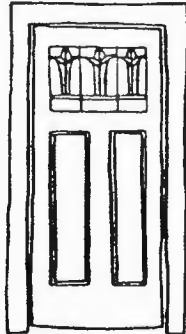
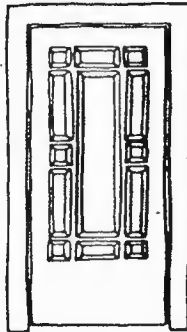


leaded glass windows

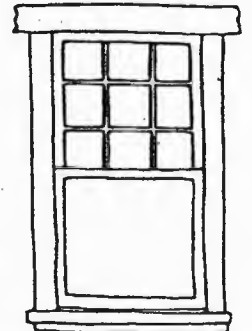
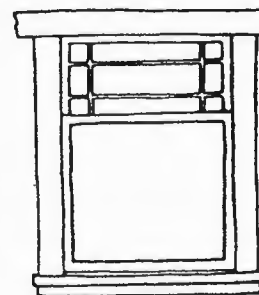
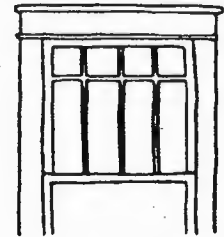
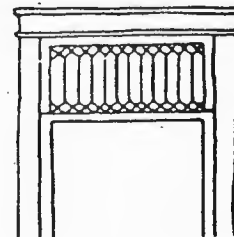
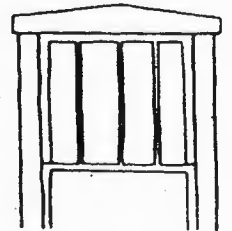
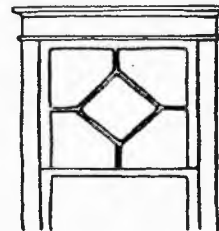
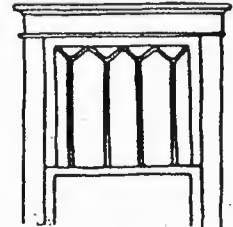
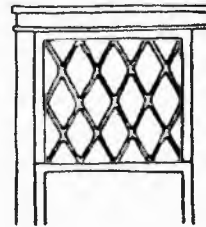
WRIGHTIAN  
angular geometric

DECORATIVE DETAIL

Architectural drawings sourced from A Field Guide To American Houses (1984) with the permission of the author Virginia McAlester.



TYPICAL DOORS



FOUND IN BOTH  
CRAFTSMAN & PRAIRIE

TYPICAL WINDOW GLAZING & SURROUNDS  
Casement windows common on Prairie high-style examples

26331

061245

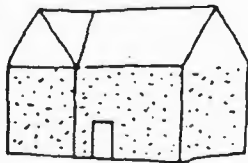
Tudor

1890-1940



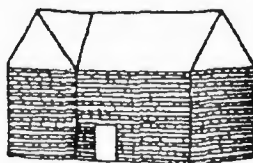
Architectural drawings sourced from A Field Guide To American Houses (1984) with the permission of the author Virginia McAlester.

STUCCO WALL CLADDING



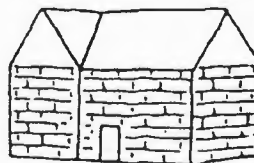
pages 360-1

BRICK WALL CLADDING



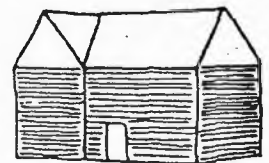
pages 362-5

STONE WALL CLADDING



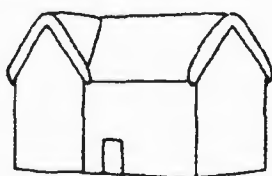
pages 366-7

WOODEN WALL CLADDING



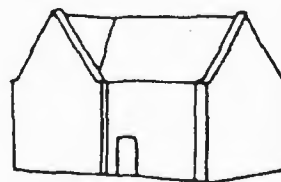
page 368

FALSE THATCHED ROOF



page 369

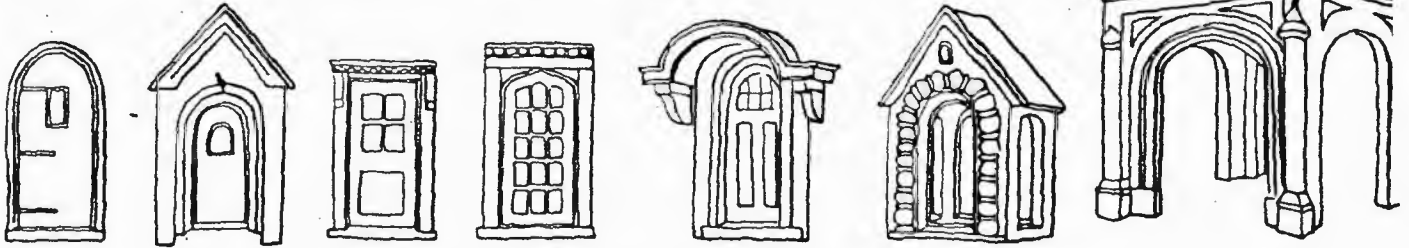
PARAPETTED GABLES



pages 370-1

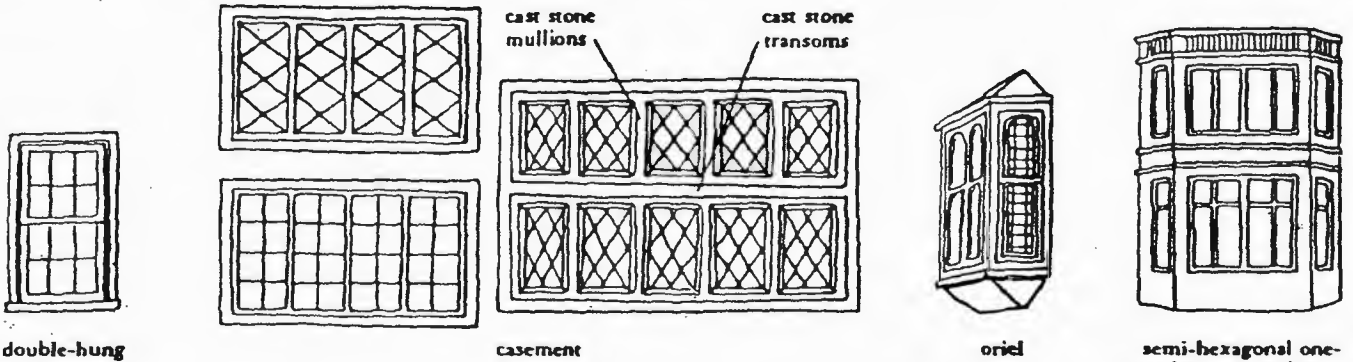
D-6

PRINCIPAL SUBTYPES



TYPICAL ENTRANCES

entry porches



double-hung

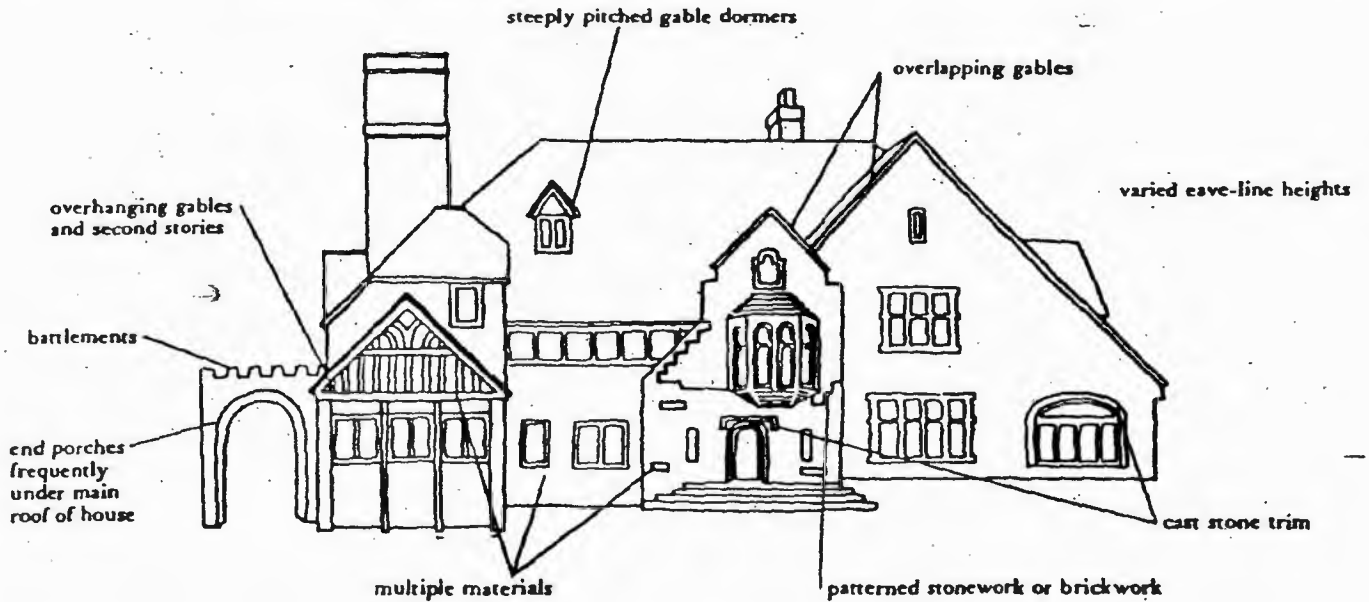
casement

oriel

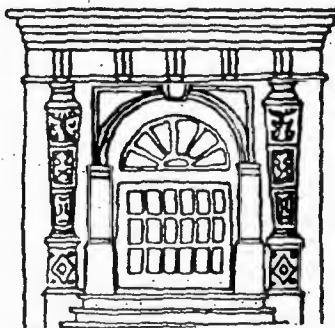
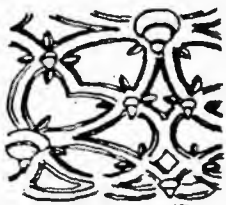
semi-hexagonal one-and two-story bays

TYPICAL WINDOWS

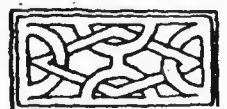
Architectural drawings sourced from *A Field Guide To American Houses* (1984) with the permission of the author Virginia McAlester.



TYPICAL ELABORATIONS

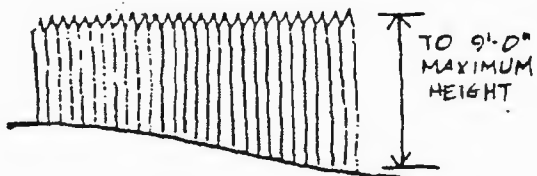


D-7

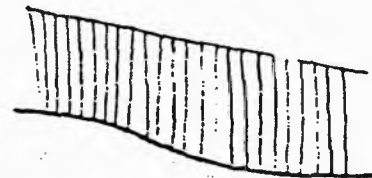
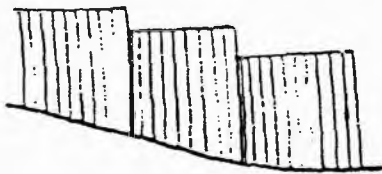


26331

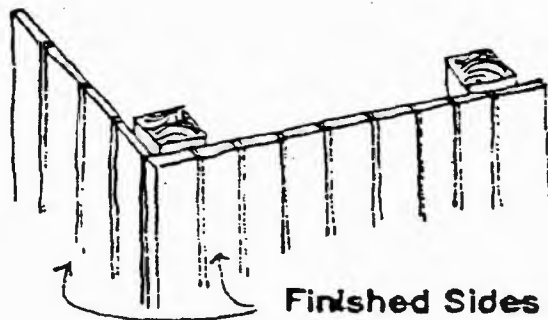
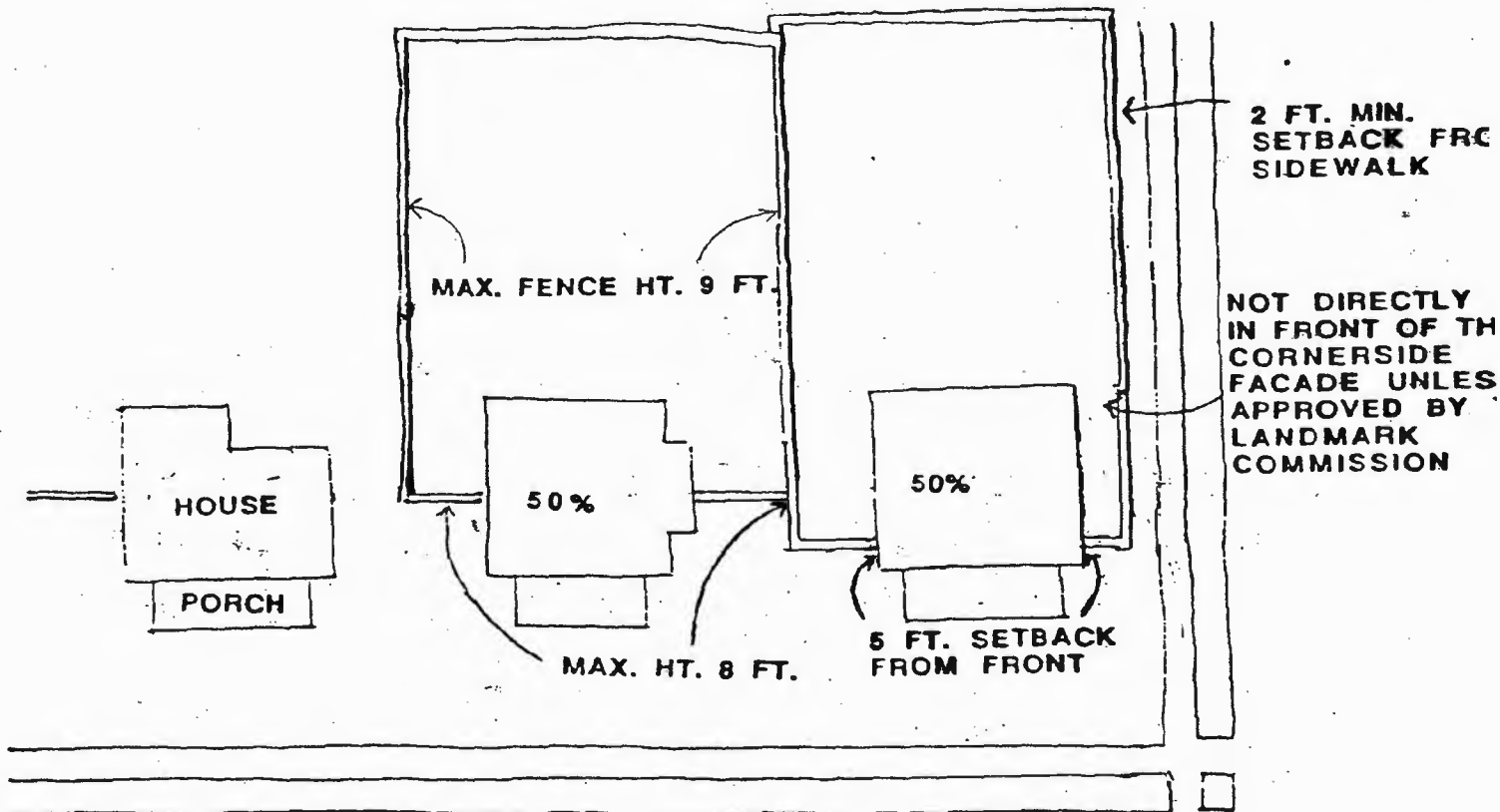
061245



Horizontal



Parallel to Grade



# FENCES

EXHIBIT E



26331

061245

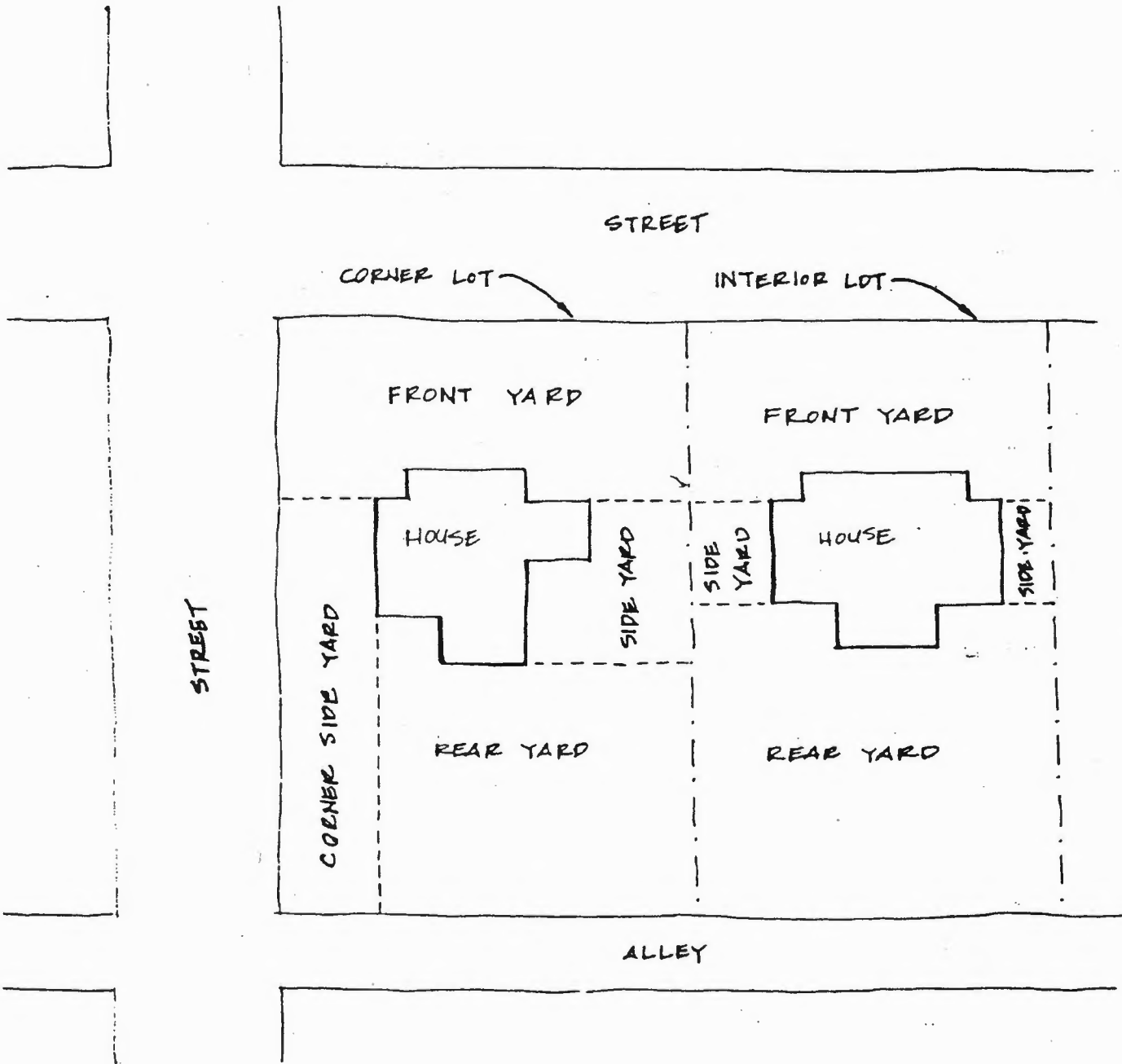


EXHIBIT F



# SECTION 7

## Correspondence

- Notice of October 7, 2024, Landmark Hearing
- Notice of application denied without prejudice
- Request to Appeal from applicant
- Appeal Procedures

**From:** [Paress, Christina](#)  
**Bcc:** [Aaron Trecartin](#); [Jennifer Tedder](#); [Tam Pham](#); [quentin hartley](#); [Leslie Nepveux](#); [Rod Russell-Ides](#); [Kate Camp](#); [Michelle Roberson](#); [Lauren Saunders & Bhargava Reddy](#)  
**Subject:** Landmark Commission Meeting – Monday, October 7, 2024  
**Date:** Tuesday, October 1, 2024 9:42:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Dear Applicants,

This email provides details about the upcoming Landmark Commission (LMC) meeting on **Monday, October 7, 2024**. For those of you who performed (unauthorized) work, prior to a Landmark Commission review; for those of you responding to, a prior Landmark Commission review; or for those of you proposing new construction (or demolition): you are strongly encouraged to attend. This is **your opportunity to speak** and to share your design decisions with the Landmark Commission.

**Monday, October 7, 2024**

**9:00 AM – Briefing (Staff Presentations to the Landmark Commission.)**

**1:00 P – Public Hearing (**Your opportunity to speak. Three minute limit!**)**

The meeting will be held virtually, though City Council Chambers on the 6<sup>th</sup> Floor at City Hall (Room 6ES) will be available for those who wish to attend in person or who are not able to attend virtually. Those attending in person will be required to follow all current pandemic-related public health protocols.

The October 7th meeting agenda should be posted by Friday afternoon, on October 4th. You may access the agenda once it is posted on the City Secretary's Office website here:

<https://dallascityhall.com/government/citysecretary/Pages/Public-Meetings.aspx>

The 9:00 AM Briefing meeting is optional for you to attend. Be aware that the public can listen in but may not participate in the Briefing discussion. The public hearing at 1:00 PM which you should plan to attend is where the Commission will make their decision on your application, or provide comments, if your application is for a Courtesy Review. Discussion with applicants is reserved for the 1:00 PM public hearing.

Below you will find the web link and teleconference number for the October 7th Landmark Commission (LMC) meeting. **In addition, you will find an email address for our LMC Coordinator, Elaine Hill, that you will need for signing up to speak at the meeting. **The deadline to sign up to speak is Monday, October 7th by 8:00 AM**, so be sure that you and/or anyone who plans to speak on your behalf has emailed Elaine and signed up on time. There is not a way to sign up to speak, after this deadline closes. When emailing Elaine, be sure you include the speakers full name as well as the address for the case you are requesting to speak on. Also be aware that speakers who attend the meeting virtually will be required to use video during the meeting discussion. **Per state law, you may not participate using audio only.****

**Videoconference**

**Webinar topic:** October Landmark Commission Meeting

**Date and time:** Monday, October 7, 2024 9:00 AM | (UTC-05:00) Central Time (US & Canada)

**Join link:** <https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m943f9d5fe0eed7a949bb553fa4635458>

**Webinar number:** 2488 556 9722

**Webinar password:** OctLMC24 (62856224 when dialing from a phone or video system)

**Join by phone** +1-469-210-7159 United States Toll (Dallas) +1-408-418-9388 United States Toll

**Access code:** 248 855 69722

***Per state law, you may not speak before the Landmark Commission using audio only!***

**Speaker Sign-Up:**

Email: Elaine Hill at [phyllis.hill@dallas.gov](mailto:phyllis.hill@dallas.gov)

Deadline: **Monday, October 7th at 8:00 AM**

**You must sign up by email by the above deadline to speak at the Landmark Commission hearing.**

**Be sure your email to Elaine includes the full name of the speaker, as well as the address for the case you wish to speak on.**

To request an interpreter, please email (your email address) at least 72 hours (3 days) in advance of a meeting. Late requests will be honored, if possible.

Para solicitar un intérprete, mande un correo electrónico a [pud@dallas.gov](mailto:pud@dallas.gov) al menos 72 hora (3 días) antes de una reunión. Solicitudes con retraso serán respetadas, si es posible.

Please let me know, if you have any questions.

Thank you and have a wonderful day.



Christina Pares

City of Dallas | [DallasCityNews.net](http://DallasCityNews.net)  
Planning and Development Department

[christina.mankowski@dallas.gov](mailto:christina.mankowski@dallas.gov)



October 17, 2024

Leslie Nepveux  
718 Dumas ,  
Dallas, TX 75214

**RE: CA245-008(CP)  
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION  
718 GLENDALE ST**

Dear Leslie Nepveux:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on October 7, 2024.

Please see the enclosed Certificate of Appropriateness for Details.

PLEASE NOTE: You have the right to appeal this decision within 30 days from the Landmark Commission review date. The enclosed ordinance lists the fee schedule for appeals. Also enclosed is an application for appeal which is due in our office by 5:00 P.M on November 6, 2024. For information regarding the appeals process, please email Elaine Hill at [Phyllis.hill@dallas.gov](mailto:Phyllis.hill@dallas.gov)

Please make checks payable to the City of Dallas.

Encl. Application for Appeal  
Ordinance No. 19455

If you have any questions, please contact me by phone at (214) 671-5052 or email at [christina.paress@dallas.gov](mailto:christina.paress@dallas.gov).



Christina Paress  
Senior Planner

**Certificate of Appropriateness**

October 7, 2024

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Standard	October 7, 2024	<b>PLANNER:</b>	Christina Pares
<b>FILE NUMBER:</b>	CA245-008(CP)	<b>DATE FILED:</b>	September 15, 2024
<b>LOCATION:</b>	718 GLENDALE ST	<b>DISTRICT:</b>	Junius Heights Historic District
<b>COUNCIL DISTRICT:</b>	14	<b>MAPSCO:</b>	36-Y
<b>ZONING:</b>	PD-397	<b>CENSUS TRACT:</b>	0014.00

---

**APPLICANT:** Leslie Nepveux  
**REPRESENTATIVE:**  
**OWNER:** VOGEL KATHERINE BARLEY

The Landmark Commission decision is: Denied without Prejudice

Information regarding requests:

- 1) A Certificate of Appropriateness to install fence in front yard.  
Deny without Prejudice

Conditions: That the request for a Certificate of Appropriateness to install fence in front yard be denied without prejudice. The proposed work is inconsistent with preservation criteria Sections 3.6(a)(1) and (2); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.



Landmark Commission Chair

October 7, 2024

Date

Please take any signed drawings to Building Inspection for permits.

# APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is November 6, 2024

Director, Development Services Department  
Dallas City Hall  
1500 Marilla St., RM 5/B/N  
Dallas Texas 75201  
Telephone 214-670-4209

Office Use Only  
Date Received

Landmark Case/File No.: CA245-008(CP)

Property Address: 718 GLENDALE ST

Date of Landmark Commission Action: October 7, 2024

Applicant's Name: Ted and Megan Howard

Applicant's Mailing Address: 718 Glendale St.

City: Dallas State: TX Zip: 75214

Applicant's Phone Number: 214-537-1979 <sup>(Megan)</sup> <sup>mobile</sup> Fax: 469-767-5030 <sup>(Ted)</sup>

Applicant's Email: meganjhoward@gmail.com / ted@tedchoward.com

**IF DIFFERENT FROM ABOVE, PROVIDE PROPERTY OWNER'S INFORMATION.**

Owner's Name: Same as above

Owner's Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Owner's Email: \_\_\_\_\_

[Signature] 11/11/2024  
Applicant's Signature Date

[Signature] 11/11/2024  
Owner's Signature (if individual) Date  
or Letter of Authorization (from corporation/partnership)

Fee for Single Family use/structure: **\$300.00**  
Fee for any other use/structure: **\$700.00**



**PROCEDURE FOR APPEAL OF  
CERTIFICATES OF APPROPRIATENESS  
TO THE CITY PLAN COMMISSION**

(Revised April 2014)

1. **Postponements.**
  - a. The City Plan Commission may grant a postponement if it wishes.
  - b. Dallas Development Code §51A-4.701(e), regarding postponement of zoning applications by the applicant, does not apply.
  
2. **Content of the record.**
  - a. Copies of the complete record will be distributed by staff to the City Plan Commission two weeks before the scheduled hearing.
  - b. The parties may request that the record be supplemented.
  
3. **Additional correspondence and briefs.**
  - a. Additional correspondence or briefs, if any are desired to be submitted by the parties, should be provided to the planning staff for distribution to the City Plan Commission.
  - b. The parties should provide each other with copies of any information they submit to the City Plan Commission.
  - c. Interested parties should not make any contacts with commission members other than those submitted through the city staff.
  
4. **Representation of the Landmark Commission.**
  - a. The Landmark Commission will be represented by Laura Morrison.

5. Order of the hearing.

- a. Each side will receive 20 minutes (exclusive of questions from the City Plan Commission) with 5 minutes for rebuttal by appellant.
- b. Order of the hearing.
  - (1) Preliminary matters.
    - (A) Introduction by the Chair
  - (2) Appellant's case (20 minutes). \*
    - (A) Presentation by the appellant's representative
    - (B) Questions from Commission Members
  - (3) Landmark Commission's case (20 minutes). \*
    - (A) Presentation by the Landmark Commission's representative.
    - (B) Questions from Commission Members
  - (4) Rebuttal/closing by the appellant's representative (5 minutes)
  - (5) Decision by the City Plan Commission. \*\*

\* If a party requires additional time to present its case, including testimony and evidence concerning the previous recommendations and actions of the city staff and the Landmark Commission and its task forces, the party shall request that additional time be granted by the City Plan Commission. If the Commission grants one party additional time, the opposing party shall also be granted a similar time extension.

\*\* In considering the appeal, the City Plan Commission shall hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the Landmark Commission and its task forces

6. Introduction of new evidence at the hearing.

- a. The City Plan Commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the Landmark Commission to determine whether that testimony or evidence was available at the Landmark Commission hearing.
- b. If the City Plan Commission determines that new testimony or evidence exists that was not available at the Landmark Commission hearing, the City Plan Commission shall remand the case back to the Landmark Commission.
- c. The party attempting to introduce new evidence bears the burden of showing that the evidence was not available at the time of the Landmark Commission's hearing.
- d. Newly presented evidence is subject to objection and cross examination by the opposing party.

7. Remedies of the City Plan Commission.

- a. The City Plan Commission may reverse or affirm, in whole or in part, or modify the decision of the Landmark Commission.
- b. The City Plan Commission shall give deference to the Landmark Commission decision and may not substitute its judgment for the Landmark Commission's judgment. The City Plan Commission shall affirm the Landmark Commission decision unless it finds that it:
  - (1) violates a statutory or ordinance provision,
  - (2) exceeds the Landmark Commission's authority, or
  - (3) was not reasonably supported by substantial evidence considering the evidence in the record.
- c. The City Plan Commission may remand a case back to the Landmark Commission for further proceedings.