

# **THE RECORD**

**425 N. Rosemont Avenue**

**APPEAL**

**CA190-351(MLP)**

**City Plan Commission**

**Hearing**

**10/01/2020**



CITY OF DALLAS

September 2, 2020

**Via Certified Mail: 7013 3020 0001 1420 8857**

Lauryn Leahy  
Hollyvale Rental Holdings, LLC  
2015 Manhattan Beach Blvd., #100  
Redondo Beach, CA 90278

RE: Appeal of Certificate of Appropriateness: Hearing – July 6, 2020  
425 N Rosemont Ave., Case No. CA190-351(MLP)

Dear Lauryn Leahy:

We have received your correspondence appealing the Landmark Commission's denial of a Certificate of Appropriateness application for 425 Rosemont Avenue. Please be advised that the City Plan Commission hearing for **this appeal is scheduled for Thursday, October 1, 2020.** The City Plan Commission meeting will be held by videoconference, the public hearing is scheduled to begin no earlier than 1:30 p.m. Individuals who wish to speak in accordance with the City Plan Commission Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Tuesday, September 29, 2020. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 95 or 96 and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv). The following videoconference link is available to the public to listen to the meeting WebEx link below:

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=eaf2e127422deab7fd13ab0aa5b0bb163>

The appeal of the decision of the Landmark Commission regarding the application for a Certificate of Appropriateness is a quasi-judicial action. **No communication with City Plan Commission members may occur outside the hearing of October 1, 2020.**

The Dallas Development Code, Section 51A-4.501(g)(6)(E) provides the procedures applicable to a Certificate of Appropriateness appeal. For your convenience, I have enclosed a copy of the ordinance containing the applicable section and a copy of the Appeal Procedures.

Included with this letter is the Landmark Commission record and other related paperwork. The Landmark Commission record includes all documents related to your specific case. Should you wish to provide the City Plan Commission a brief on the matter, please submit a copy to me at Dallas City Hall, 1500 Marilla Street, Room 5BN,

Lauryn Leahy  
Hollyvale Rental Holdings, LLC  
2015 Manhattan Beach Blvd., #100  
Redondo Beach, CA 90278

Dallas, TX 75201 or to [phyllis.hill@dallascityhall.com](mailto:phyllis.hill@dallascityhall.com) by end of the day **Wednesday, September 16, 2020**. I will then distribute the copies of your brief to the City Plan Commission. I will also send you a copy of the brief by Kathleen Fones, Assistant City Attorney for the Landmark Commission.

Please contact me at 214-670-4206 if there are any questions regarding the deadline dates. You are encouraged to contact Assistant City Attorney Kanesia Williams at 214-670-3429 if you have any questions regarding the format of the City Plan Commission hearing or other related matters.

Respectfully,



Elaine Hill  
Administrative Specialist II  
Office of Historic Preservation

cc: Murray G. Miller, Director, Office of Historic Preservation  
Kathleen Fones, Assistant City Attorney  
Kanesia Williams, Assistant City Attorney  
Teresa Pham, Assistant City Attorney  
Anna Lamberti Holmes, Assistant City Attorney  
Bertram Vandenberg, Assistant City Attorney  
Casey Burgess, Assistant City Attorney  
Melissa Parent, Planner, Historic Preservation

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# SECTION 1

Certificate of Appropriateness

425 N. Rosemont Avenue  
CA190-351(MLP)

# Certificate of Appropriateness (CA)

## City of Dallas Landmark Commission

CA 190 - 351 [ MP ]  
Office Use Only

Name of Applicant: Lauryn Leahy  
**Mailing Address** : 2015 Manhattan Beach Blvd., Suite 100  
 City, State and Zip Code: Redondo Beach, CA 90278  
 Daytime Phone: 310-640-3070 x 2306 Alternate Phone: 805-218-1244  
 Relationship of Applicant to Owner : Employee  
**PROPERTY ADDRESS**: 425 N Rosemont Avenue, Dallas, TX  
**Historic District**: Winnetka Heights

**OFFICE USE ONLY**  
 Main Structure:  
 Contributing  
 Non-contributing

**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."

We're seeking to revitalize the exterior of the building by repairing/preserving the brick by painting the building with cohesive colors that enhance the historical detail. We're proposing to make the property safer by adding a security door in the main entrance of the property as well as upgrade the exterior lights. We're seeking to add siding to the laundry building that will match the main building. Overall, we're hoping these improvements highlight the building's character and contribute to the preservation work that is being done within the community.

RECEIVED BY

Signature of Applicant: Lauryn Leahy Date: April 2, 2020 APR 02 2020  
 Signature of Owner: David Wehrly Date: April 2, 2020  
 (IF NOT APPLICANT)

Current Planning

**APPLICATION DEADLINE:**

Application material must be completed and submitted by the **FIRST THURSDAY OF EACH MONTH, 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. This form along with any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201.

Please use the enclosed criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner at 214/670-4209 to make sure your application is complete.

**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.

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.
- 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  No

Melissa Pao  
 Office of Historic Preservation

7/21/2020  
 Date

# SECTION 2

## Agenda

July 6, 2020

See Pages 15 and 16, Item #10

Landmark Commission Agenda  
Monday, July 6, 2020

Construct vertical addition to main structure. - Denial without Prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with the preservation criteria for additions in Section 51P-87.111(a)(2) that states "All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building."

**Task Force Recommendations:**

No Task Force meeting was held pursuant to the City of Dallas Safer at Home order.

**10. 425 N ROSEMONT AVE**

Winnetka Heights Historic District

CA190-351(MLP)

Melissa Parent

**Request:**

1. Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black."
2. Install new storefront style entrance door on main structure.
3. Install new lighting fixtures on main structure.
4. Install new siding on rear accessory structure.

**Applicant:** Leahy, Lauryn

**Application Filed:** 4/2/20

**Staff Recommendation:**

1. Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black." Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.
2. Install new storefront style entrance door on main structure. Approve - Approve drawings and specifications dated 7/6/2020 with the condition that clear, non-reflective glass be used with the finding the proposed work meets the standards in City Code Section 51A-4.501(g)(6)(C)(ii).
3. Install new lighting fixtures on main structure. Approve - Approve drawings and specifications dated 7/6/2020 with the condition that fixtures are attached through mortar joints or wood and not brick with the finding the proposed work meets the standards in City Code Section 51A-4.501(g)(6)(C)(ii).
4. Install new siding on rear accessory structure. Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on



# SECTION 3

- Docket Material
- Power Point presentation

**LANDMARK COMMISSION****JULY 6, 2020**

FILE NUMBER: CA190-351(MD)  
LOCATION: 425 N. Rosemont  
STRUCTURE: Main & Non-Contributing  
COUNCIL DISTRICT: 1  
ZONING: PD No. 87, Tract 1

PLANNER: Melissa Parent  
DATE FILED: April 2, 2020  
DISTRICT: Winnetka Heights  
MAPSCO: 45-A  
CENSUS TRACT: 0046.00

**APPLICANT:** Lauryn Leahy

**REPRESENTATIVE:** None.

**OWNER:** HOLLYVALE RENTAL HOLDINGS LLC

**REQUEST:**

- 1) Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black."
- 2) Install new storefront style entrance door on main structure.
- 3) Install new lighting fixtures on main structure.
- 4) Install new siding on rear accessory structure. Work initiated without Certificate of Appropriateness.

**BACKGROUND / HISTORY:**

3/4/2013 - Landmark Commission approved installation of window A/C units and a new composition shingle roof (CA123-254(MD)).

7/6/2015: Landmark Commission approved installation of 23 rooftop a/c units with wood screening (CA145-448(MLP)).

This property is considered non-contributing to the Winnetka Heights Historic District.

**ANALYSIS:**

Request #1: The applicant is looking to update the property and has included painting the structure as a request, however, the predominant material on this structure is masonry and painted brick is a violation of the ordinance. While the color scheme itself is appropriate and the painting of existing wood elements is appropriate, painting unpainted masonry a color that is uncharacteristic of the natural brick color would be inappropriate, and evidence provided does not show that painting is needed in an effort to save the brick, staff believes that it is repairable and repointing and/or replacement of damaged brick should be attempted first.

Request #2: The applicant is requesting to add a glass storefront style entrance to an existing breezeway that is centered on the front façade of the structure. While this is an unusual request, staff believes that it will not alter the appearance of the structure in a detrimental fashion, as views through the breezeway will not be obstructed. The installation of glass will also protect the interior brickwork and materials of the breezeway. Staff has conditioned the request to use non-reflective glass as appears in the specification.

Request #3: The applicant is requesting to install new lighting fixtures outside each apartment door as well as along the exterior hallways of the structure. While the fixtures are a bit more modern than those that have been allowed by the Commission, they are compatible with this 1960s structure, and will not have an adverse effect on the structure. Staff has condition the request to attach the fixtures through wood elements or mortar joints.

Request #4: This request for new Hardie siding on a rear accessory structure came after the property was issued a stop-work order. A building inspector found the original siding had already been removed. We do not have any photos to show the original siding profile, however, use of synthetic materials is not allowed per the ordinance, which stipulates the only façade materials permitted are brick, wood siding, cut stone, and stucco.

**STAFF RECOMMENDATION:**

- 1) Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black." – Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.
- 2) Install new storefront style entrance door on main structure - Approve - Approve drawings and specifications dated 7/6/2020 with the condition that clear, non-reflective glass be used with the finding the proposed work meets the standards in City Code Section 51A-4.501(g)(6)(C)(ii).
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- 4) Install new siding on rear accessory structure. Work initiated without Certificate of Appropriateness – Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the historic overlay district.

**TASK FORCE RECOMMENDATION:**

- 1) Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black." - No Task Force meeting was held due to the citywide Safer-at-Home order.
- 2) Install new storefront style entrance door on main structure. - No Task Force

meeting was held due to the citywide Safer-at-Home order.

- 3) Install new lighting fixtures on main structure. - No Task Force meeting was held due to the citywide Safer-at-Home order.
- 4) Install new siding on rear accessory structure. Work initiated without Certificate of Appropriateness. - No Task Force meeting was held due to the citywide Safer-at-Home order.

**Certificate of Appropriateness (CA)  
City of Dallas Landmark Commission**

CA 190-351 (MLP)  
Office Use Only

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**Historic District:** Winnika Heights

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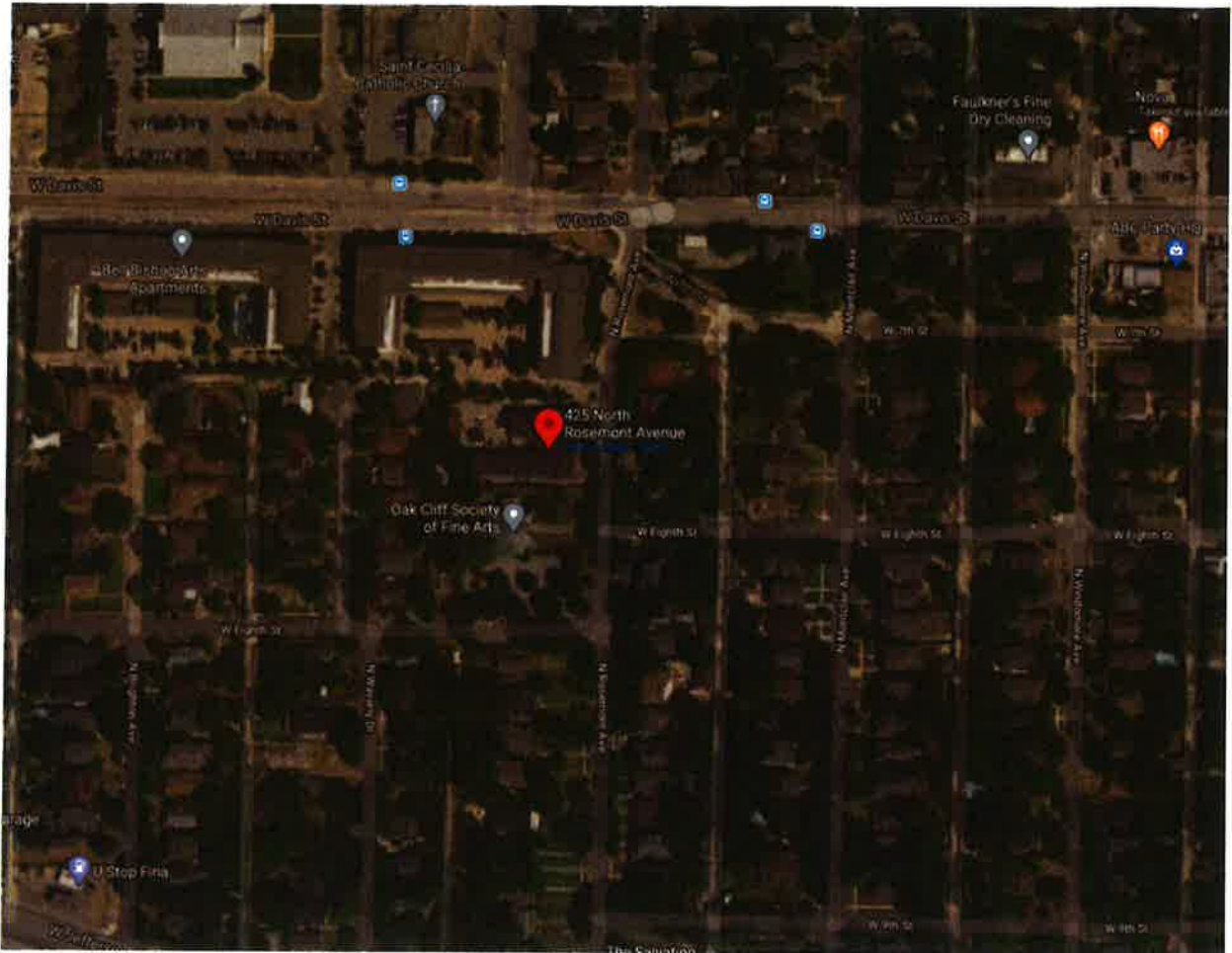
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Signed drawings and/or specifications are enclosed  Yes  No

Office of Historic Preservation \_\_\_\_\_ Date \_\_\_\_\_



Aerial view



Front façade



Adjacent property to the right



Adjacent property to the left (Turner House)





View across N Rosemont

EXTERIOR PAINT - BEFORE



EXTERIOR PAINT - PROPOSED AFTER



PROPOSED EXTERIOR PAINT COLORS

BODY COLOR (BRICK AND SIDING): BEHR TOASTY GRAY N320-2



TRIM, COLUMNS, FASCIA, CEILING, VENT DETAILS: BEHR POLAR BEAR 75



SHUTTERS, EXTERIOR DOORS, PLANTERS: SPACE BLACK N460-7



Request #1: Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray."  
Trim, columns: 75 "Polar Bear." Accent



Areas of masonry that need repair

Add glass security Door to main entrance  
Picture included for conceptual design of proposed door



Proposed new door on front façade

Request #2: Install new storefront style entrance door on main structure.

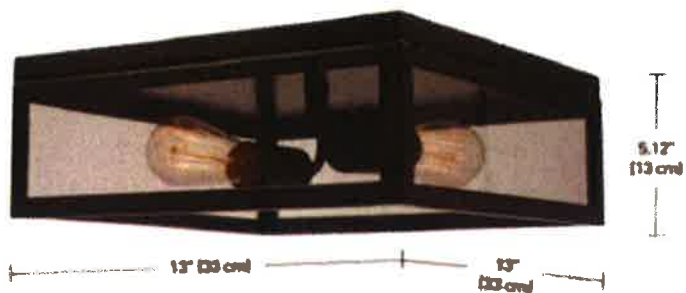


Existing conditions



Proposed rendering

GLOBE ELECTRIC MEMPHIS 2-LIGHT FLUSH MOUNT CEILING LIGHT -  
DARK BRONZE



**Flush mount ceiling light will be used for the exterior hallways**

Galia 1-Light Black Outdoor Wall Lantern  
Sconce with Clear Glass



**Wall lantern will be used by each unit front door**

Proposed light fixtures

Request #3: Install new lighting fixtures on main structure.

Siding of laundry building to match wood siding on main building. Painted Behr Toasty Gray to match main building.



Existing conditions



Hardie siding to match profile used on side facade

Request #4: Install new siding on rear accessory structure.

PRESERVATION CRITERIA CITED FOR STAFF RECOMMENDATION:

**NON-CONTRIBUTING STANDARDS:**

Standards for **noncontributing** structures: Dallas Development Code: No. 19455, Section 51A-4.501(g)(6)(C)(ii)

The landmark commission must approve the application if it determines that:

(ii) for non-contributing structures:

The proposed work is compatible with the historic overlay district.



# Discussion Item #10: 425 N Rosemont Ave



Front Facade

**District: Winnetka Heights**

**Request: 1) Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black." 2) Install new storefront style entrance door on main structure. 3) Install new lighting fixtures on main structure. 4) Install new siding on rear accessory structure.**

**Staff Recommendation: 1) Deny without prejudice 2) Approve with conditions 3) Approve 4) Deny without prejudice**  
**Task Force Recommendation: No Task Force meeting.**



EXTERIOR PAINT - BEFORE



EXTERIOR PAINT - PROPOSED AFTER



### Proposed paint colors

BODY COLOR (BRICK AND SIDING): BEHR TOASTY GRAY M300-2



TRIM, COLUMNS, FASCIA, CEILING, VENT DETAILS: BEHR POLAR BEAR 75



SHUTTERS, EXTERIOR DOORS, PLANTERS: SPACE BLACK M46D-7

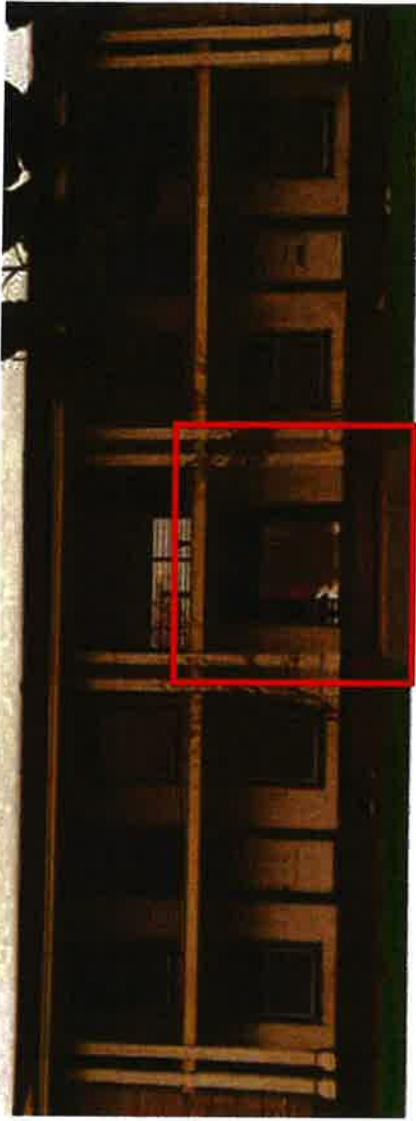


## Request #1 – Paint main structure



DALLAS LANDMARK COMMISSION  
CASE #CA190-351(NMLP)

July 6, 2020



Existing

Add glass & security Door to main entrance  
Picture included for conceptual design of proposed door



Proposed door



Rendering with proposed door

## Request #2: Install storefront style entrance

GEORGE FLETCHER MEMPHIS 2 LIGHT CEILING MOUNT CENTER HUNG LIGHT  
DARK BRONZE



Flush mount ceiling light will be used for this exterior hallway

GALLA 1-LIGHT BLACK OUTDOOR WALL LANTERN  
SOURCE WITH CLEAR GLASS



Wall lantern will be used by each unit front door

Proposed lighting for hallway ceilings and along unit entry doors

Request #3: Install new lighting fixtures



DALLAS LANDMARK COMMISSION  
CASE #CA190-351(MLP)

July 6, 2020

Siding of laundry building to match wood siding on main building. Painted Behr Toasty Gray to match main building.



Request #4: Install new Hardie siding on rear accessory structure

**Standard for approval: The landmark commission must approve the application if it determines that:**

**CONTRIBUTING STANDARDS:**

**Standards for contributing structures: Dallas Development Code: No. 19455, Section 51A-4.501(g)(6)(C)(i):**

**The landmark commission must approve 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.**

## **Staff Recommendation:**

- 1) Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black." Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.**
- 2) Install new storefront style entrance door on main structure. - Approve with conditions - Approve drawings and specifications dated 7/6/2020 with the condition that clear, non-reflective glass be used with the finding the proposed work meets the standards in City Code Section 51A-4.501(g)(6)(C)(ii).**
- 3) Install new lighting fixtures on main structure - Approve - Approve drawings and specifications dated 7/6/2020 with the condition that fixtures are attached through mortar joints or wood and not brick with the finding the proposed work meets the standards in City Code Section 51A- 4.501(g)(6)(C)(ii).**
- 4) Install new siding on rear accessory structure - Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the historic overlay district.**



# SECTION 4

Minutes

July 6, 2020

See Pages 15 and 16, Item #10

		Ayes:	-	14	Haskel, Hinojosa, Poteet, Montgomery, Renaud, Richter, Sherman, Spellicy, Steiner, Stone, Swann, Velvin, Williams, Quintans,
		Against:	-	0	
		Absent:	-	3	Childers, Mast, Slade
		Vacancies:	-	1	

**10. 425 N ROSEMONT AVE**

Winnetka Heights Historic District

CA190-351(MLP)

Melissa Parent

1. Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black."
2. Install new storefront style entrance door on main structure.
3. Install new lighting fixtures on main structure.
4. Install new siding on rear accessory structure.

Speakers: For: Keith Light

Against: No one

**Motion**

1. Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black." Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.
2. Install new storefront style entrance door on main structure. Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.
3. Install new lighting fixtures on main structure. Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.
4. Install new siding on rear accessory structure. Denial without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the historic overlay district.

Maker:	Sherman			
Second:	Swann			
Results:	14/0			

		Ayes:	-	14	Haskel, Hinojosa, Poteet, Montgomery, Renaud, Richter, Sherman, Spellicy, Steiner, Stone, Swann, Velvin, Williams, Quintans,
		Against:	-	0	
		Absent:	-	3	Childers, Mast, Slade
		Vacancies:	-	1	

**11. 310 N WILLOMET AVE**

Winnetka Heights Historic District  
CA190-467(MLP)  
Melissa Parent

Install new wood fencing in front 50% of side yard.

Speakers: For: Vickie Lee

Against: No one

**Motion**

Install new wood fencing in front 50% of side yard. Approve with condition – Approve proposed work with the condition that the fence will be located between the back corner of the bump out and the 3<sup>rd</sup> window (window farthest from the street) to align with the adjoining fence.

Maker:	Spellicy				
Second:	Velvin				
Results:	12/2				
		Ayes:	-	12	Haskel, Hinojosa, Poteet, Montgomery, Renaud, Richter, Spellicy, Steiner, Stone, Velvin, Williams, Quintans,
		Against:	-	2	Sherman, Swann
		Absent:	-	3	Childers, Mast, Slade
		Vacancies:	-	1	

**12. 131 N WINNETKA AVE**

Winnetka Heights Historic District  
CA190-302(MLP)  
Melissa Parent

Paint main structure. Brand: Behr. Body: "Ocean Swell." Trim: "Dutch White." Accent: "Dark Crimson."

Speakers: For: No one

Against: No one

# SECTION 5

Transcript of the  
July 6, 2020  
Landmark Commission  
Hearing  
425 N. Rosemont Avenue  
CA190-351(MLP)

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RECORDED PUBLIC HEARING  
OF  
CASE CA190-351 (MLP)  
DISCUSSION ITEM #10 425 NORTH ROSEMONT AVENUE  
JULY 6, 2020

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SARAH BINA, Texas CSR #8075  
Expiration Date 02/28/2022  
ALL-AMERICAN REPORTING  
P.O. Box 271078  
Flower Mound, Texas 75027  
(940) 735-1340  
Allamericanreporting@gmail.com

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE CHAIR: D --

3 UNIDENTIFIED FEMALE: Ten.

4 THE CHAIR: -- 10? D10?

5 UNIDENTIFIED FEMALE: Discussion Item  
6 No. 10, 425 North Rosemont Avenue, Winnetka Heights  
7 Historic District, CA190-351MLP.

8 Request No. 1, paint main structure.  
9 Brand, Behr. Body, N320-2 Toasty Gray. Trim and  
10 columns, No. 75 Polar Bear. Accents, shutters, and  
11 doors in N -- N460-7 Space Black.

12 Request No. 2, install new  
13 storefront-style entrance door on main structure.

14 Request No. 3 is all new lighting  
15 fixtures on main structure.

16 Request No. 4, install new siding on  
17 rear accessory structure.

18 Staff Recommendation. Item No. 1,  
19 deny without prejudice. The proposed work does not  
20 meet the standards in City Code Section  
21 51A-4.501(g) (6) (C) (ii), on the basis of the proposed  
22 work will have an adverse effect on the future  
23 preservation, maintenance, and use of the structure  
24 or the historic overlay district.

25 Item No. 2, approve with conditions.

1 Approve drawings and specifications dated 07/06/2020  
2 with the condition that clear nonreflective glass be  
3 used with the finding the proposed work meets the  
4 standards in City Code  
5 Section 51A-4.501(g)(6)(C)(ii).

6 Item No. 3, approve with conditions.  
7 Approve drawings and specifications dated 07/06/2020  
8 with the condition that fixtures are attached  
9 through mortar joints or wood and not brick with the  
10 finding the proposed work meets the standards in  
11 City Code Section 51A-4.501(g)(6)(C)(ii).

12 Item No. 4, deny without prejudice.  
13 The proposed work does not meet the standards in  
14 City Code Section 54 -- 51A-4.501(g)(6)(C)(ii) on  
15 the basis of the proposed work will have an adverse  
16 effect on the historic overlay district.

17 THE CHAIR: Thank you. We have no  
18 task force recommendation. Do we have -- we have  
19 speakers today?

20 UNIDENTIFIED FEMALE: One second.

21 THE CHAIR: Thank you.

22 UNIDENTIFIED FEMALE: Okay. I'm not  
23 sure if his audio is -- I show that he does not have  
24 audio, but I want to try to -- Mr. Light? Okay.  
25 He's -- he's -- hello? He is showing to be a



1 panelist, but he doesn't -- it's -- it's showing he  
2 doesn't have audio available on his system.

3 THE CHAIR: Oh.

4 UNIDENTIFIED FEMALE: Let me see if I  
5 have the -- the next person.

6 THE CHAIR: Okay.

7 UNIDENTIFIED FEMALE: Let's see. Oh,  
8 everybody keeps hanging up before their case is  
9 called. I had these two -- I had several people  
10 connected for this case. All right. Stand by for  
11 just a second.

12 THE CHAIR: Thank you, Jennifer. I  
13 guess they don't know how long it takes us to get  
14 through these.

15 UNIDENTIFIED FEMALE: Emily, could you  
16 say a few words about not hanging up before your  
17 case is called and if -- if --

18 THE CHAIR: Yes.

19 UNIDENTIFIED FEMALE: -- more people  
20 disconnect, I can't get them -- it's hard to get  
21 them back.

22 THE CHAIR: I will. If you are --  
23 Yes. If you are signed up and online to be a  
24 speaker today, it is taking us a while to get  
25 through our agenda, and just a lot of really

1 important things today. Please don't hang up  
2 because it's impossible for us to get you back  
3 again, so just hang in there. And we are -- we are  
4 on D10. After D10, we will be doing 2 -- D2  
5 through 8 in order, if you are waiting to speak on  
6 one of those.

7 UNIDENTIFIED FEMALE: Okay. And I  
8 think I've got Mr. Light now. Mr. Light, are you  
9 there?

10 MR. LIGHT: Yes, I am here.

11 UNIDENTIFIED FEMALE: Okay.

12 THE CHAIR: Oh, good.

13 UNIDENTIFIED FEMALE: Can you state  
14 your name and --

15 MR. LIGHT: It's Keith Light, 8500  
16 North Stemmons Freeway, Dallas, Texas 75247.

17 THE CHAIR: Thank you, Mr. Light. I'm  
18 glad that we got -- got you through, and that we can  
19 talk to you. I do need to swear you in in front of  
20 the commission.

21 MR. LIGHT: Okay --

22 THE CHAIR: So if you would raise your  
23 right hand.

24 MR. LIGHT: (Complied.)

25 THE CHAIR: Do you swear or affirm to

1 tell the truth in all matters before the commission  
2 today?

3 MR. LIGHT: Yes. Uh-huh.

4 THE CHAIR: Thank you. Go ahead. Do  
5 you have anything you want to say to us, or would  
6 you like to just take questions from the commission?

7 MR. LIGHT: I've got a few items I'd  
8 like to share, just kind of the overall general  
9 condition of the property and why we're requesting  
10 to do some of the things that we're requesting.

11 THE CHAIR: Go ahead. You --

12 MR. LIGHT: I have --

13 THE CHAIR: You do have three  
14 minutes --

15 MR. LIGHT: -- a Power- --

16 THE CHAIR: -- sir.

17 MR. LIGHT: Okay. I've got a  
18 PowerPoint that I would like to share with you  
19 briefly.

20 THE CHAIR: Okay. All right. Is  
21 that -- can we do that, Jennifer?

22 UNIDENTIFIED FEMALE: One second.

23 THE CHAIR: And your three minutes  
24 won't get -- it won't start until we can get you  
25 going here.

1 MR. LIGHT: No worries. I'll make it  
2 quick.

3 THE CHAIR: That's fine.

4 UNIDENTIFIED FEMALE: Okay. You  
5 should have the ability to share now.

6 MR. LIGHT: Okay. Can everybody see  
7 my screen?

8 UNIDENTIFIED FEMALE: Yes.

9 THE CHAIR: Yes.

10 MR. LIGHT: Okay. Perfect. This is  
11 regarding the Rosemont property. This is regarding  
12 Request No. 1, to actually paint the brick exterior  
13 of the property. When we acquired this property --  
14 I'm sure everybody is well aware of the damage that  
15 that property had. We've actually -- there was a  
16 significant amount of water intrusion through that  
17 property. It came from various areas. The roof  
18 being one. We've actually got a certificate of  
19 appropriateness and replaced the roof already.  
20 Another area that's having a lot of water intrusion  
21 was actually through the brick itself. Not so much  
22 the mortar, but the actual porousness in the brick.  
23 Normal bricks should have anywhere between -- an  
24 absorption rate anywhere between 12 to 15 percent,  
25 on high side of -- of 20. The bricks that were

1 tested and analyzed at that property actually tested  
2 well above that 20 percent, which is basically  
3 saying the bricks aren't doing a good job keeping  
4 the water outside of the property. They need to be  
5 encapsulated, and the easiest way to encapsulate  
6 them would be through paint. We've actually had a  
7 pretty detailed scope of work to put together --  
8 that has been put together by Sherwin-Williams, but  
9 here's some of the structural damage that we  
10 suffered there. We've -- we've -- already did a  
11 major foundation repair there, you know, 200  
12 linear -- 240 linear, 4-by-6 joists, 940 linear  
13 feet, 2-by-6 joists. Like I said, this is all due  
14 to water penetration and basically the wood just  
15 rotting out over time. I've got different pictures  
16 showing various portions of wood -- wood rot because  
17 of the water penetration. The interior damage, you  
18 know, we've got rotted subfloors. We've got the  
19 floor joists that were rotted. We have organic  
20 growth, unfortunately. We have, you know, some  
21 pretty substantial and major sheetrock damage.  
22 Pictures on the left just shows the subfloor being  
23 rotted out. Picture on the right actually shows  
24 some of the joists that have already been repaired  
25 and replaced. That helps support the foundation.

1 We were actually probably pretty close to losing  
2 this property entirely based on how bad that  
3 foundation was. Here's a professional  
4 recommendation by Sherwin-Williams indicating that  
5 they would go ahead and, basically, to the best of  
6 their abilities, waterproof the exterior through a  
7 paint process, and that's the -- a process that we  
8 would like to be under consideration for. And to  
9 clean all the joists. They treat the porous  
10 materials. They repair any cracks in the masonry,  
11 install any back-up materials. They would prime it  
12 with a pigment primer, and then go ahead and apply  
13 that topic- -- a coat with acrylic coating, so that  
14 way that -- you know, that whole structure can  
15 actually be saved. Because as it sits right now, if  
16 we could see the wall of water just seep in through  
17 the bricks, through the porousness of the bricks,  
18 it -- it -- it, you know, (inaudible) potentially be  
19 a loss, and us who is in that property for the long  
20 term don't want to see that happen, and --

21 THE CHAIR: Mr. Light, your three  
22 minute --

23 MR. LIGHT: -- I don't particularly  
24 want to see it happen either.

25 THE CHAIR: Your three minutes,

1 Mr. Light. Your three minutes are up.

2 MR. LIGHT: I -- I'm good. If anybody  
3 has questions, I'm happy to answer them --

4 THE CHAIR: Oh.

5 MR. LIGHT: -- at this point or any  
6 other one.

7 THE CHAIR: Okay. Great. Do we have  
8 questions? Commissioner Richter.

9 COMMISSIONER RICHTER: Yes. Good  
10 afternoon. I have a question regarding the proposed  
11 treatment by Sherwin-Williams. Did they at any  
12 point in time, instead of looking at a primer and a  
13 paint color, in (inaudible) to you being able to use  
14 a clear waterproof elastomeric sealant, that  
15 wouldn't change the exterior color, but it does  
16 preserve and protect from water penetration in the  
17 future. Did you look into that at all?

18 MR. LIGHT: Yes. We -- we did look  
19 into that option. That is a very, very viable  
20 option. It's an option that we would -- we -- we  
21 wouldn't mind, but the -- another big issue that we  
22 have at that property is it's consistently getting  
23 tagged by graffiti. And the easiest way to cover up  
24 graffiti is by painting it. We've -- we've got  
25 areas that we've tried to power wash, and it -- it

1 just does not come clean. They're, you know, spray  
2 painting brick with -- with spray paint, and it  
3 just -- we just can't get it off. That's why we  
4 thought, you know, if it's a nice base white as the  
5 proposal would be, it would be pretty easy to cover  
6 up as it continues to get tagged. And hopefully  
7 once we're done with the entire renovation, you  
8 know, people will stop tagging at that point.

9 THE CHAIR: Other questions? I have a  
10 question for staff.

11 THE STAFF: Uh-huh.

12 THE CHAIR: What -- what does the  
13 ordinance say about painting brick?

14 THE STAFF: Basically, that -- I don't  
15 have the ordinance directly in front of me, but  
16 directly it states that, un- -- unless it's as a  
17 last-ditch preservation effort, that previously  
18 unpainted brick should remain unpainted.

19 THE CHAIR: Okay. Thank you. I have  
20 a question for the speaker.

21 MR. LIGHT: Yes.

22 THE CHAIR: Yeah. In your  
23 presentation -- we may have cut you off short. I  
24 may have, as the time element here. You know, the  
25 burden of proof of all of this is certainly on the



1 Applicant. Do you have evidence of this on- --  
2 ongoing constant tagging that's happening on your  
3 building?

4 MR. LIGHT: Yes. On the certificate  
5 of appropriateness, that was part of some of the  
6 pictures that were included.

7 UNIDENTIFIED FEMALE: I can share  
8 my -- I can share my screen. Hold on. If -- let's  
9 see.

10 THE CHAIR: I think there were two  
11 maybe that were part of the brick.

12 UNIDENTIFIED FEMALE: These ones.  
13 Uh-huh.

14 MR. LIGHT: So, yeah, we have -- we  
15 have the upper -- the top right-hand picture --

16 THE CHAIR: Uh-huh.

17 MR. LIGHT: -- of some spray paint,  
18 and then the lower left-hand picture is the spray  
19 paint as well. And we've actually -- we have sent a  
20 mason out to the brickyard to see if they could find  
21 any bricks that were of similar color, of similar  
22 age, similar style, and they found a few, but the  
23 amount that they would actually need to replace on  
24 that particular building -- and, now, you're just  
25 seeing five pictures. We have the vertical

1     stairstep cracks throughout because of the -- the  
2     foundation was so poor in that building. We've  
3     actually -- could probably provide another  
4     twenty-five pictures of vertical cracking like that,  
5     but, ultimately, you know, best-case scenario, we  
6     could have somebody come in and re- -- replace all  
7     those bricks, if we were able to find them, but the  
8     cost of doing so was just so extravagant compared to  
9     an alternative method.

10                   THE CHAIR: Okay. By "alternative  
11     method" you mean --

12                   MR. LIGHT: I mean simply -- simply  
13     repairing everything there, doing the proper brick  
14     tucks, you know, filling in the gaps where we need  
15     to fill in the gaps. You can replace -- you know,  
16     we have similar-styled brick that's a different  
17     color that we could replace, you know, fill in those  
18     areas of the damaged brick, but then ultimately, you  
19     know, to keep everything consistent would be to  
20     paint that brick, even after the repairs were made.

21                   THE CHAIR: All right. So the  
22     alternative method you're talking about is painting  
23     the brick?

24                   MR. LIGHT: Correct. Yeah, correct.  
25     I mean, there's -- I mean, the -- the one method

1 would be to replace them and -- because the brick  
2 itself was so porous, it's just going to continue to  
3 absorb moisture, so we need to figure out a way to  
4 actually encapsulate those bricks so we stop, you  
5 know, just weeping water into the property.

6 THE CHAIR: Hit the close screen. Do  
7 we have any other questions? Commissioner  
8 Montgomery?

9 COMMISSIONER MONTGOMERY: Yeah. Me  
10 again. I have a couple of questions. One is, what  
11 is this brick -- what has made it so incredibly  
12 porous? Is it the -- the ingredients from which it  
13 was made? And you've already just said it was kind  
14 of a rare brick, which argues against painting it.  
15 Because if you can't find any replacements, it's a  
16 unique brick, and -- and we might want to save it,  
17 you can't do it without painting it, so what is  
18 (inaudible) -- is it just poor clay or something?  
19 Is that it?

20 MR. LIGHT: So I heard -- I heard the  
21 first two questions.

22 COMMISSIONER MONTGOMERY: Okay. The  
23 first part was what has made it so poor.

24 MR. LIGHT: So I'm not -- I personally  
25 am not a hundred percent sure what the brick --

1 brick is actually made up itself. I don't know if  
2 it's a clay brick or if it's just regular cinder  
3 brick, but there were some loose bricks that they  
4 pulled out and tested. I don't think -- I think  
5 it's just due to the age, that it is a rarer brick  
6 design. You know, 1961 build. It's a, you know,  
7 roughly inch and a half by six inches long, you  
8 know. It's not a brick that's used kind of in  
9 modern construction. You know, like I said, they  
10 did find some, but three -- three-quarters of that  
11 building is brick facade, and the -- the design of  
12 that building, being a U shape, there's -- there's  
13 not enough bricks available that -- that we could  
14 find or source locally that we could make all the  
15 necessary repairs to -- to make it look  
16 aesthetically pleasing, I guess.

17 COMMISSIONER MONTGOMERY: Using a  
18 clear coat instead of a paint --

19 MR. LIGHT: A clear coat instead of  
20 the paint?

21 COMMISSIONER MONTGOMERY: Yeah. So  
22 the paint that you're showing in your drawing,  
23 you've got that corner detail of the bricks where  
24 they're -- they're (inaudible). It's kind of like  
25 coin cornering, but where they're not in depth.

1 It's a decorative thing and it's really hidden by  
2 the white paint. You're concerned about graffiti,  
3 but don't you think, once you've redone the whole  
4 building and it looks much nicer and it's full of  
5 people, that you might not have a graffiti problem  
6 so much? The nicer --

7 MR. LIGHT: That --

8 COMMISSIONER MONTGOMERY: -- the house  
9 looks, the less likely the graffiti, is the reality  
10 here.

11 MR. LIGHT: Yeah. That -- yeah.  
12 That -- that -- that's really what we're hoping for  
13 is that, you know, once we do have more occupants in  
14 there -- right now currently, the property is a  
15 hundred percent vacant because we didn't feel like  
16 it was up to the standards that we want to put any  
17 of our families into. You know, basically, you  
18 know, showing you some of those interior pictures,  
19 you probably agree as well. We're ultimately trying  
20 to do the best thing that we possibly can for this  
21 property and doing it at your discretion. I mean,  
22 we -- we, you know, stubbed our toe out of the gate  
23 a little bit and -- and realized that we had messed  
24 up a couple things, and now we're making sure that  
25 we're following all the proper steps, so that way,

1 you know, at least turn out a lot better.

2 COMMISSIONER MONTGOMERY: I've --  
3 okay. I've got to tell you, I would be more  
4 inclined to like the idea of a clear coat that  
5 pre- -- preserves (inaudible) put together so we can  
6 see all the details.

7 MR. LIGHT: So the clear coat --  
8 there's not an issue with that, but it -- I mean,  
9 understand that that would be an effective means for  
10 the solution -- a solution to the means, I should  
11 say, but my question is, what do we -- what do we  
12 then do with all of the very large cracks that run  
13 throughout the entire building in the bricks? You  
14 know, people that are -- are going to move in are  
15 going to say, Oh, man, this thing's going to fall in  
16 on us. What's going on here?

17 COMMISSIONER MONTGOMERY: Yeah.

18 MR. LIGHT: You know, it's -- you  
19 know, it's -- there's some aesthetics to safety, so  
20 if somebody comes in and something appears to be  
21 falling apart, they're going to have the assumption  
22 that it is falling apart.

23 COMMISSIONER MONTGOMERY: I will tell  
24 you, my advice would be, paint it the way -- I mean,  
25 clear coat it the way it is because I like to see

1 age. Even (inaudible) age (inaudible) consult and  
2 have an idea about how to make them look better  
3 before you clear coat it (inaudible) like it stayed  
4 the color it is.

5 MR. LIGHT: No, I understand that. I  
6 mean, I totally do. And if there is a way that we  
7 could clear coat it and be able to keep as many of  
8 the existing bricks as possible, we -- we would love  
9 to do that. I just -- you know, with -- with all of  
10 the cracking that occurred because of the foundation  
11 was so -- so bad -- you know, like I said, it just  
12 leaves a lot of doubts in potential tenant --  
13 tenants' minds, you know, is -- is this -- is this  
14 property structurally safe? Is it structurally  
15 sound? You know, ultimately, that's what any  
16 tenant's primary concern is going to be is, is this  
17 property safe, you know, whether it, you know, comes  
18 from just standard security by having lights around  
19 the property, by having just a property that is  
20 aesthetically pleasing and it doesn't have cracks  
21 everywhere.

22 THE CHAIRMAN: Thank you, sir.  
23 Mr. Miller?

24 MR. MILLER: Yeah. I would just offer  
25 an observation that anytime that there is masonry

1 deterioration, it's very important to have a mason  
2 who has experience in dealing with masonry on the  
3 appropriate means to repair masonry. I -- I would  
4 be very concerned that we might think that a coating  
5 will actually resolve something that might be a  
6 larger issue, and that larger issue should probably  
7 be dealt with appropriately first before any kind of  
8 coating, whether that is transparent or translucent.  
9 So there are some underlying conditions that really  
10 would be helpful to understand. Is the issue of  
11 water infiltration, is that localized, where is it  
12 coming from, is it across the entire building? The  
13 nature of cracking. What is causing it? Is it  
14 stabilized? Is it ongoing cracking? Because  
15 masonry is typically easy to repair, and then  
16 sometimes it may be foundation issues. But I think  
17 it's important to have the appropriate disciplines  
18 weigh in to these matters before a -- a short-term  
19 cosmetic solution is arrived at. Because that's --  
20 that cosmetic solution, while it may look good for  
21 several years, it may inadvertently attract other  
22 maintenance issues that would be much larger than  
23 the problem that you're having right now.

24 THE CHAIR: Thank you. Commissioner  
25 Renaud? Do you have a question?



1 COMMISSIONER RENAUD: Yeah.

2 MR. LIGHT: Can -- can I address that  
3 last statement, please?

4 THE CHAIR: Just -- hold on just a  
5 minute, sir. Commissioner Renaud?

6 COMMISSIONER RENAUD: Yes. Well, I  
7 was just going to mention that -- that typically  
8 face brick is only a rain screen. It's -- it's  
9 never a -- a water barrier or a vapor barrier. It's  
10 the -- it's the lining on the inside, on the  
11 structure before the -- the brick is applied, and I  
12 know to repair that surface, really the only way  
13 would be to remove the brick and (inaudible) on that  
14 and replace the brick, which is, you know,  
15 incredibly costly. I -- I -- you know, I know it's  
16 a difficult situation, but to -- to then count on,  
17 you know, paint being your only water barrier -- and  
18 I know that happens in wooden houses, you know, that  
19 paint is, in fact, the part that -- that -- that  
20 keeps water out of the building. It -- it's not the  
21 wood itself, so it's a bit of a Catch 22. I  
22 understand also that, you know, brick this era --  
23 and, in fact -- in fact, the one that was made like  
24 this has -- wasn't fired at the same heat that the  
25 other more impervious bricks are, and so it does

1 make it more porous, so, effectively, you're wearing  
2 out a sponge around the outside of your house or  
3 outside of your -- your building. Anyway, I just  
4 wanted to make those -- those observations for the  
5 rest of the -- the group.

6 THE CHAIR: Thank you. Are there any  
7 more questions for our speaker? No? Thank you.  
8 Oh --

9 MR. LIGHT: Can I -- may -- may I  
10 address the -- the questions that Commissioner --

11 THE CHAIR: Yeah.

12 MR. LIGHT: -- Miller had?

13 THE CHAIR: We have another question,  
14 sir, from Commissioner Richter.

15 COMMISSIONER RICHTER: I guess my  
16 question would be, have you had a waterproofing  
17 company, not a painting company, but a professional  
18 waterproofing company do any type of evaluation  
19 for -- of your -- of your roof, your -- your wing  
20 walls, I mean, the whole exterior. I would just  
21 encourage that. I have been successful in  
22 maintaining buildings that were built in the '40s  
23 that had issues similar and have been successful in  
24 working with a waterproofing company instead of just  
25 painting everything.

1 MR. LIGHT: Okay. I'm sorry. Can  
2 I -- can I address -- I'm going to get too many and  
3 I'm not going to remember them all.

4 THE CHAIR: Well, if it's in answer to  
5 a question. And then we kind of have to move on.

6 MR. LIGHT: Okay. Well, Commissioner  
7 Miller asked where is the problem originating from,  
8 and if he could get more information on that, and  
9 I -- I -- we have that information. I'd like to  
10 share it with you guys at this point. Is that  
11 possible?

12 THE CHAIR: Yes.

13 MR. LIGHT: Okay.

14 THE CHAIR: Can we be brief? Brief?

15 MR. LIGHT: Yes. Yes. Yes. So --

16 THE CHAIR: Okay.

17 MR. LIGHT: -- you're a hundred --  
18 you're a hundred percent right, Commissioner Miller.  
19 The overall issues need to be addressed first.  
20 Those issues actually stem from, one, a bad roof,  
21 and, two, the foundation was poor, so we went ahead  
22 and we did major foundation repairs already, so that  
23 way the brick doesn't continue to move and flux over  
24 time. So it wouldn't be a temporary cosmetic  
25 repair. It would be more of a supplement that would

1 help sustain the longevity of that structure.

2 THE CHAIR: Oh. All right. Thank  
3 you.

4 MR. MILLER: I -- I guess the --  
5 the -- the follow-up question would be, what work  
6 has been done to address the -- the roof?

7 MR. LIGHT: We've -- we've actually  
8 replaced the entire roof, and we're -- we're down to  
9 the decking, so it has a brand-new thirty-five-year  
10 roof, brand-new decking, brand-new drip edge. The  
11 property is also going to get brand-new gutters as  
12 well. The gutters won't be on the front of the  
13 property, but they're going to be on the sides and  
14 on the back of the property. Water remediation is  
15 going to be key at that property, keeping the water  
16 out.

17 THE CHAIR: Thank you, sir.

18 MR. LIGHT: You're welcome. Thank  
19 you.

20 THE CHAIR: Do we have any other  
21 questions? If not, I'll entertain a motion.

22 COMMISSIONER SHERMAN: Madam Chair?

23 THE CHAIR: Yes, Commissioner Sherman?

24 COMMISSIONER SHERMAN: I have a  
25 motion, and in preparation for that motion, I just

1 wanted to point out that the lens we're having to  
2 look through is one of compatibility with the  
3 district since it's a noncontributing building.  
4 Unfortunately, we only have -- in the entire  
5 district of over six hundred structures, we've only  
6 got two of these garden apartment-style buildings  
7 that came in in the '60s, and one of the things that  
8 makes Winnetka Heights remarkable and noteworthy is  
9 the fact that it is the largest intact, most  
10 (inaudible) of Prairie and Craftsman construction in  
11 the state of Texas. All the more reason why we have  
12 to tread carefully, I think, on what we decide  
13 and -- so that frames my motion today, and I move  
14 that with respect to all four items, 1 through 4,  
15 that we deny without prejudice. The proposed work  
16 does not meet the standards in City Code  
17 51A-4.501(g) (6) (C) (ii).

18 COMMISSIONER SWANN: I second the  
19 motion.

20 THE CHAIR: Thank you, Commissioner  
21 Sherman. Thank you, Commissioner Swann for the  
22 second. Do we have any discussion?

23 COMMISSIONER SHERMAN: Can I speak to  
24 my own motion?

25 THE CHAIR: Absolutely.

1                   COMMISSIONER SHERMAN: I believe that  
2 the painting of the brick is not compatible with the  
3 district. It specifically says the brick will not  
4 be painted, it flattens the surface, it removes the  
5 textural interest, and for all the reasons that  
6 Mr. Murray -- Mr. Miller highlighted for us, I think  
7 the situation needs to be investigated further. I  
8 believe that the structure does need some kind of  
9 closure there to the entrance for security purposes.  
10 I don't think the proposed bulletproof glass is  
11 anything other than something that makes the  
12 structure appear more commercial in nature and less  
13 typical of the district. I think that a painted  
14 door with maybe divided side lights, as you see on  
15 the garden apartments, some of them on Gaston and  
16 some of them on Bandera, which I can certainly tell  
17 staff about further (inaudible) what I'm talking  
18 about, and I think that the light fixtures that are  
19 proposed are way too modern. I think that this  
20 building has no mid-century modern flare to it. I  
21 think (inaudible) involved are not typical of the  
22 period and the light that is going to be cast from  
23 those is improper. I think that -- let's see. I  
24 forgot No. 4, and I don't have it in front of me,  
25 but just kind of the reasons why I think --

1 THE CHAIR: Commissioner Sherman,  
2 No. 4 was the siding on the rear accessory  
3 structure.

4 COMMISSIONER SHERMAN: Yes. And I  
5 think the siding on the rear accessory structure  
6 kind of goes without saying since (inaudible) is not  
7 allowed, but I understand the intent of the  
8 Applicant is to have a fresher, cleaner, more  
9 attractive building, but I think that the standard's  
10 higher than that, and I think our responsibility is  
11 higher than that. Thank you.

12 THE CHAIR: Any -- do we have any  
13 other discussions? Oh, Ms. -- Ms. Hill?

14 MS. HILL: Yes? That -- that road  
15 you-all just did was on the 425 North Rosemont?

16 THE CHAIR: Yes.

17 MS. HILL: Okay. And so it was deny  
18 without prejudice all -- everything on there?

19 THE CHAIR: All four. One through  
20 four.

21 MS. HILL: Thank you.

22 THE CHAIR: Thank you, ma'am. Uh-huh.  
23 I do have -- I have a comment. I do agree with  
24 Commissioner Sherman that -- about the period of  
25 significance in the early 1960s, that rather being

1 anywhere near to being mid-century modern, I'm more  
2 likely to equate this with -- I'm not sure. I would  
3 be more likely to equate it with the -- the  
4 buildings -- the multifamily buildings that are -- I  
5 guess you could refer to it as behind the pink wall  
6 over near Preston Road and Thackery. There are a  
7 number of buildings that are very similar to this,  
8 and there is -- they retain the brick and they have  
9 the very, very similar structure as this, and  
10 they're also closed in at the front, which I  
11 understand how the Applicant would like to do that,  
12 but rather with a clear-glass enclosure, those  
13 buildings are used with a more of a -- a double  
14 front door to make it more like a -- a home. And  
15 I'm not sure I -- as a landscape architect, I can't  
16 name that architectural style, but I would put that  
17 in a different time frame that fits this. And I'm  
18 sure there are a number of them down in the Gaston  
19 area as well. And I would say the same thing about  
20 the light fixtures, that it's just off a little bit  
21 on time. And I would give the brick another chance  
22 rather than paint it. Certainly -- and for -- for  
23 the reason that was suggested already, the  
24 articulation of the brick on the corner is simply  
25 gone when you paint it white, and it's so important



1 to that building. It -- it's -- it's a building  
2 that we've seen before. I've -- I've only been  
3 here -- I've been here seven years, and I can't  
4 think how many times this building has come to us,  
5 and we've made a number of -- of decisions about it,  
6 because it's still an important building. And as  
7 Commissioner Sherman said, it's one of only two, she  
8 said, in the entire district, so it remains  
9 important. And I am -- I am thrilled that the  
10 Applicant is here today attempting to move forward  
11 with the building to perfect it. It needed it.  
12 Thank you. Are there any other discussion items?  
13 Commissioner Montgomery? Yes.

14 COMMISSIONER MONTGOMERY: The issue of  
15 what -- what style it probably is, it's -- it's sort  
16 of the kind of colonial revival you saw in the  
17 mid-century in a lot of sub- -- suburban elements,  
18 sort of (inaudible) strange, to be elegant, and  
19 actually black and white color scheme, not white and  
20 gray, but using -- if they're chosen, black and  
21 white color scheme -- scheme can work very well with  
22 that particular style, so suggesting they pull the  
23 original style does not necessarily mean drop  
24 everything that they had already decided to do. And  
25 did we have a second on -- on the motion, or are we

1 still waiting?

2 THE CHAIR: We did. The second was  
3 Commissioner Swann.

4 COMMISSIONER MONTGOMERY: Okay. Good.

5 THE CHAIR: So if we do not have any  
6 other discussion, we'll vote. All those in favor  
7 say, Aye.

8 THE BOARD: Aye.

9 THE CHAIR: Opposed? Seeing none, the  
10 motion carries unanimously. The Applicant does have  
11 thirty days to appeal this to the Plan Commission  
12 (inaudible), because it was denial without  
13 prejudice. Thank you for being here today, sir,  
14 and -- and taking the time to meet with us and  
15 explain some things to us, and we look forward to  
16 seeing you again.

17 (End of proceedings.)

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REPORTER'S CERTIFICATE

I, Sarah Bina, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the foregoing pages is a transcription of the proceedings of the recorded public hearing in the above-entitled matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this recorded public hearing was taken, and further that I am not financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of \$ \_\_\_\_\_ and was paid in full by \_\_\_\_\_.

GIVEN UNDER MY HAND on this the 31st day of August, 2020.

SARAH BINA, CSR #8075  
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My commission expires: 02/28/2022

# SECTION 6

Historic Preservation Criteria  
Dallas Development Code  
§ 51A-4.501

**ARTICLE 63.**

**PD 63.**

**SEC. 51P-63.101. LEGISLATIVE HISTORY.**

PD 63 was established by Ordinance No. 14247, passed by the Dallas City Council on September 10, 1973. Ordinance No. 14247 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 14247 was amended by Ordinance No. 15715, passed by the Dallas City Council on December 21, 1977, and Ordinance No. 15766, passed by the Dallas City Council on March 15, 1978. On February 3, 1982, the Dallas City Council passed Ordinance No. 17285, repealing Ordinance Nos. 14247, 15715, and 15766, and re-establishing PD 63. Ordinance No. 17285 was amended by Ordinance No. 18563, passed by the Dallas City Council on January 23, 1985. (Ord. Nos. 10962; 14247; 15715; 15766; 17285; 18563; 25423)

**SEC. 51P-63.102. PROPERTY LOCATION AND SIZE.**

PD 63 is established on property generally located southeast of Live Oak Street, south of La Vista Drive, northwest of the alley between Swiss Avenue and Gaston Avenue, and northeast of Fitzhugh Avenue. The size of PD 63 is approximately 116.88 acres. (Ord. Nos. 17285; 25423)

**SEC. 51P-63.103. DEFINITIONS.**

(a) In this article:

- 63C.
- (1) ACCEPTABLE COLOR RANGE means the range of colors shown on Exhibit
  - (2) APPLICANT means the property owner or his designee.
  - (3) BLOCK means an area bounded by streets on all sides.
  - (4) BLOCKFACE means all of the lots on one side of a block.
  - (5) CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city to authorize certain acts to be performed in this district. (See the enforcement section of this article.)
  - (6) COLUMN means the entire column including the base and capital, if any.
  - (7) COMMISSION means the city plan and zoning commission.
  - (8) COMMITTEE means the landmark committee created under Section 51-3.103.
  - (9) CORNER LOT means a lot that has frontage on two different streets.
  - (10) CORNER SIDE FACADE means a main building facade facing the side street.
  - (11) CORNER SIDE YARD means a side yard that abuts a street.
  - (12) DIRECTOR means the director of development services or his representative.

(13) FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

(14) FRONT YARD means the portion of a lot that abuts a street and extends across the width of the lot between the street and a main building and lines parallel to and extending outward from the front facade of a main building. "Required" front yard means the portion of the front yard between the street and the setback line.

(15) LOT means a building site, as defined in the Dallas Development Code.

(16) PARKWAY means the area between the paved portion of a street and a front lot line.

(17) PLANTER BOX means a permanent container for plants that is non-movable.

(18) PRESERVATION CRITERIA means the standards considered by the director, committee, and commission in determining whether a certificate of appropriateness should be granted or denied.

(19) REAR YARD means:

(A) on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between a main building and lines parallel to and extending outward from the rear facade of a main building and the rear lot line; and

(B) on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear corner of the corner side facade, and between the rear lot line and a main building and a line parallel to and extending outward from the interior side corner of the rear facade.

(20) SCREENING means a structure or planting that provides a visual barrier.

(21) SCREENING FACTOR means the degree to which a structure provides a visual barrier.

(22) SIDE YARD means any portion of a lot not occupied by a main building that is not a front or rear yard. "Side yard" includes "corner side yard."

(23) STORY means the portion of a building between any two successive floors, or between the top floor and the ceiling above it.

(24) THIS DISTRICT means the Swiss Avenue Historic District.

(25) TRIM COLOR means a paint color other than the dominant color. Wood colored translucent stain is not a trim color. Trim color does not include the color of screen and storm doors and windows, gutters, downspouts, porch floors, and ceilings.

(b) Except as otherwise provided in this section, the definitions contained in the Dallas Development Code, as amended, apply to this article. (Ord. Nos. 18563; 25423; 26340)

**SEC. 51P-63.104. INTERPRETATIONS.**

- (a) Unless otherwise stated, the interpretations in Chapter 51 apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. 25423)

**SEC. 51P-63.105. RECONCILIATION WITH ORDINANCE NO. 17285 AND THE DALLAS DEVELOPMENT CODE.**

The provisions of Ordinance No. 17285 and the Dallas Development Code, as amended, apply to the Swiss Avenue Historic District unless expressly modified or repealed by this article. In the event of a conflict, the provisions of this article control. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.106. NONCONFORMING USES AND STRUCTURES.**

(a) In general. Except as otherwise provided in this article, Section 51-4.704 relating to nonconforming uses and structures, applies to all uses and structures in this district.

(b) Nonconforming uses.

(1) Termination when building destroyed. Except as otherwise provided below, if a building in which a nonconforming use is located is destroyed, the right to operate the nonconforming use terminates immediately.

(2) Nonconforming servants' or caretakers' quarters. The right to operate a nonconforming servants' or caretakers' quarters use does not terminate when the structure in which the use is located is damaged or destroyed. A servants' or caretakers' quarters must be used by bona fide servants or caretakers and may not be rental accommodations.

(c) Rebuilding damaged or destroyed nonconforming buildings. If a nonconforming single-family main or accessory building is damaged or destroyed, it may be rebuilt at the same location without the approval of the board of adjustment. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.107. GRAPHICS.**

Graphics that illustrate the requirements of this article are labelled Exhibit 63B. In the event of a conflict, the text of this article controls over any graphic display in Exhibit 63B. (Ord. Nos. 18563; 25423; 26340)

**SEC. 51P-63.108. ENFORCEMENT.**

(a) Certificate of appropriateness required. A person commits an offense if, without first obtaining a certificate of appropriateness from the city expressly authorizing the act, he:

- (1) places or constructs a main or accessory building on property in this district;
- (2) makes exterior alterations to a main or accessory building in this district; or

(3) places, constructs, installs, or maintains a structure or non-plant-material landscape item outside a building on property in this district.

(b) Vegetation restrictions. A person commits an offense if he places or maintains a plant in this district in violation of one of the following vegetation restrictions:

(1) A vegetable garden is prohibited in the front yard and may not be located in a side yard unless it is totally screened.

(2) Foundation plantings may not exceed two feet in height above the first story finish floor.

(3) Only grass, trees, ground cover, and flowers are permitted in the parkway. All trees in the parkway must be placed a uniform distance apart and be planted along a line parallel to the street. Flower beds may not comprise more than 50 percent of the parkway area.

(c) Compliance with use regulations and development standards required. A person commits an offense if he violates one of the use regulations or development standards in Sections 51P-63.114, 51P-63.115, 51P-63.117, 51P-63.118, 51P-63.120, 51P-63.121, 51P-63.123, 51P-63.124, 51P-63.126, 51P-63.127, 51P-63.129, and 51P-63.130 of this article.

(d) Defenses to prosecution.

(1) It is a defense to prosecution under Subsections (a)(2) and (a)(3) that the act was:

(A) the installation, maintenance, or replacement of:

(i) outdoor lights that are 10 inches or less in diameter and

(aa) located at ground level;

(bb) attached to a tree or shrub and located on or above its lowest branch;

(cc) located along eaves or soffits; or

(dd) located on an accessory building;

(ii) recreational equipment for children, such as a swingset, playhouse, or jungle gym, in a rear yard;

(iii) security or ornamental bars on the rear facade of a main building or on an accessory building;

(iv) a lawn sprinkler system; or

(v) an air conditioning unit in a side or rear yard; or

(B) performed in a rear yard, and the alteration, structure, or landscape item is six feet or less in height or totally screened;

(C) performed in a side yard, and the alteration, structure, or landscape item is six feet or less in height and totally screened by a fence or hedge that is at least six feet in height; or



(D) the installation or maintenance of a special purpose sign.

(2) It is an additional defense to prosecution under Subsection (a)(3) that the structure or landscape item was temporarily placed, constructed, or installed. For purposes of this subsection, an act is temporary in nature if it occurs no more than two time periods during the calendar year for a maximum of five days per time period.

(3) There is no defense to prosecution for a violation of Subsection (a)(1).

(e) Criminal responsibility. A person is criminally responsible for a violation if he:

(1) commits or assists in the commission of an act in violation; or

(2) owns part or all of the land or a structure on the land where a violation exists.  
(Ord. Nos. 18563; 25423)

**SEC. 51P-63.109. PENALTY.**

(a) A person violating a provision of Ordinance No. 17285, as amended by Ordinance No. 18563, upon conviction, is punishable by a fine not to exceed \$1000. *[The provisions of Ordinance No. 17285, as amended by Ordinance No. 18563, are codified in this article.]*

(b) In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this article, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, or maintenance of a building, structure, or land in this district. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.110. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS.**

(a) In general. The standard review procedure outlined in Section 51-4.501 applies to this district, except as expressly modified by this section.

(b) Review by the director.

(1) Director's determination of procedure. Upon receipt of an application for a certificate of appropriateness, the director shall characterize the proposed work as falling into one of the following three categories:

(A) Routine maintenance or replacement.

(B) Minor exterior alterations.

(C) Work requiring review by the committee and commission.

The director shall review and grant or deny certificates of appropriateness for proposed work that is routine maintenance or replacement or a minor exterior alteration in accordance with the review standards provided in this section. If the proposed work requires review by the committee and commission, the director shall forward the application to the committee for review in accordance with the standard certificate of appropriateness review procedure outlined in Section 51-4.501. All decisions to be made by the director under this section must be made within 10 days of receipt of the application.

(2) Routine maintenance and replacement defined. Routine maintenance is the processes of cleaning (including water blasting and stripping), repainting an item the same color, and otherwise stabilizing deteriorated or damaged architectural features. Routine replacement occurs whenever a duplicate item is substituted for an item that is deteriorated or damaged. Repainting an item a different color is neither routine maintenance nor routine replacement.

(3) Minor exterior alteration defined. The following are minor exterior alterations for purpose of this article.

(A) The application, installation, maintenance, or replacement of:

- (i) 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) an awning located on an accessory building, or on the rear facade of a main building; and
- (iii) a roof of the same or an original material that does not include a change in color;
- (iv) a wood or chain link fence that is not painted or stained;
- (v) gutters and downspouts of a color within the acceptable color range that matches or complements the dominant, trim, or roof color;
- (vi) paint of a color within the acceptable color range;
- (vii) skylights and solar panels;
- (viii) storm windows and doors; or
- (ix) window and door screens.

(B) The restoration of original architectural elements that does not include the use of paint outside the acceptable color range.

(4) Review standards for routine maintenance and replacement. The director shall review all proposed work that falls into the categories of routine maintenance and routine replacement to determine whether or not the original item to be maintained or replaced was legally installed. Legal installation includes both work that was legally performed before September 10, 1973, the date this district was established, and work performed after that date by authority of a valid certificate of appropriateness. The director shall grant a certificate of appropriateness for the proposed maintenance or replacement of an original item that was legally installed. If the original item was not legally installed, the director shall not grant a certificate but instead shall treat the application as being for a certificate of appropriateness to authorize the installation of the original item.

(5) Review standards for minor exterior alterations. The director shall review all proposed work that falls into the category of minor exterior alterations to determine whether the proposed work complies with the preservation criteria and regulations contained in this article and all other applicable ordinances. If the proposed work complies, the director shall grant a certificate of appropriateness for the work. If the proposed work does not comply with or is not addressed by the preservation criteria and regulations contained in this article or any other applicable ordinance, the director shall deny the certificate.

(c) Appeals. A decision to grant a certificate of appropriateness may not be appealed. A decision to deny a certificate of appropriateness may be appealed only by the applicant. An appeal from a decision to deny a certificate is made by submitting a written request for appeal to the director within ten days of the decision.

(d) Review by the committee. The standards in Subsection (e) below should be used by the committee in making its recommendation to the commission.

(e) Review by the commission and city council.

(1) When reviewing an appeal from the director's decision to deny a certificate of appropriateness, the commission or city council shall first determine whether the proposed work is routine maintenance or replacement. If the proposed work is routine maintenance or replacement, the commission or council shall next determine whether or not the original item to be maintained or replaced was legally installed. If the original item was legally installed, the commission or council shall approve the routine maintenance or replacement. If the original item was not legally installed or if the proposed work is not routine maintenance or replacement, the commission or council shall review the application using the standards provided in the following subsections.

(2) In reviewing an application, the commission or city council shall determine whether the proposed work complies with the preservation criteria and regulations contained in this article and all other applicable ordinances. If the proposed work complies, the commission or council shall grant the certificate.

(3) Except as otherwise provided in this section, if the proposed work does not comply with or is not addressed by the preservation criteria and regulations contained in this article or any other applicable ordinance, the commission or council shall deny the certificate.

(4) If the proposed work is not addressed by the preservation criteria and regulations contained in this article and all other applicable ordinances and the work will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of:

(A) a structure in this district;

(B) a blockface in this district; or

(C) this district as a whole; the commission or council shall grant the certificate.

(5) If the proposed work is the restoration of original architectural elements and will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of:

(A) a structure in this district;

(B) a blockface in this district; or

(C) this district as a whole; the commission or council shall grant the certificate. In determining whether the proposed work constitutes the restoration of original architectural elements, the commission or council shall consider all available materials, including but not limited to photographs and drawings showing the original appearance of the building and its surrounding property at the time of construction. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.111.**

**NOTICE REQUIREMENTS.**

The following notice requirements apply to this district:

(1) When required. The director shall give the notice required by this section only when a person applies for a certificate of appropriateness to construct a new main building, or to move a main building onto an existing lot.

(2) Content of notice. The notice required by this section must contain a description of the lot where a main building will be constructed or moved, and the date, time, and location of the committee meeting at which the application will be considered.

(3) Manner of notification. The notice required by this section is a written notice to be given not less than 21 days before the committee meeting at which the application will be considered. Notice is given by depositing the notice properly addressed and postage paid in the United States Mail to the property owners entitled to notice under Paragraph (4) of this subsection as evidenced by the last approved city tax roll.

(4) Who must be notified. The director shall notify the following persons in this district whenever notice is required by this section:

(A) The owners of all lots in the blockface of the area of request.

(B) The owners of all lots in the blockface across the street from the area of request.

(C) If the area of request is a corner lot, the owners of all other corner lots at the same intersection.

(D) The president of the Swiss Avenue Historic District Association at an address provided by the association. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.112.**

**PROCEDURAL CHANGES WHEN NOTICE IS REQUIRED.**

The procedural time requirements in Section 51-4.501 applicable to the committee and the commission apply to this district except in those cases where notice is required under the previous section of this article. In such cases, the committee shall make its recommendation within 45 days of receipt of the application by the director. If final action has not been taken by the committee and the commission within 55 days of the director's receipt of the application:

(1) the director shall issue a certificate of appropriateness to the applicant for the proposed work; and

(2) if all requirements of the Dallas Development Code and the construction 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. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.113.**

**CREATION OF AREAS.**

This district is hereby divided into six separate areas, which shall be known as "Area A," "Area B," "Area C," "Area D," "Area E," and "Area F." Property descriptions of Areas A through F are

attached to Ordinance No. 18563. A map showing the area boundaries is labelled Exhibit 63A. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.114. USE REGULATIONS FOR AREA A.**

The following use regulations apply to all property in Area A:

(1) Uses that were illegal on February 3, 1982, are illegal uses under this article. Except as otherwise provided in this article, nonconforming uses are governed by Section 51-4.704.

(2) The number of dwelling units on a building site may not be increased. If the number of dwelling units in a building is reduced, or the building is replaced with another building containing a lesser number of dwelling units, the building site shall thereafter be limited to the lesser number of dwelling units.

(3) Except as otherwise provided below, uses are limited to single-family residential uses.

(4) The duplex use at 5600-02 Swiss Avenue is expressly recognized as a legal use unless and until the structure in which the use is located is destroyed, in which case the right to operate the duplex use terminates immediately.

(5) The medical society auxiliary social club use currently operated by the Dallas County Medical Society Auxiliary at 5500 Swiss Avenue is expressly recognized as a nonconforming use. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.115. DEVELOPMENT STANDARDS FOR AREA A.**

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an R-10 Single-Family District apply to all property in Area A. In the event of a conflict, the provisions of this section control.

(b) Height requirements. Maximum permitted heights for buildings and structures are:

- (1) 36 feet for a main building; and
- (2) 24 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

- (1) Each lot must have a minimum area of 10,000 square feet and a minimum depth of 230 feet.
- (2) Each lot must have a width no less than 90 percent of the average width of all lots in both the same and the opposite blockface.
- (3) Lots platted on or before February 3, 1982, are legal building sites, even though they may not conform to the requirements of this section.

(d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 25 percent.

(e) Minimum front yard.

- (1) All buildings and structures must have a minimum front yard setback of 65 feet.
- (2) The main building on an interior lot must have a front yard setback that is:
  - (A) equal to that of the closest main building on either side of the lot in the same blockface; or
  - (B) between those of the closest main buildings on either side of the lot in the same blockface.
- (3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. Minimum permitted rear yard setbacks for buildings and structures are:

- (1) 60 feet for a main building if the lot is 230 feet or less in depth;
- (2) 90 feet for a main building if the lot is over 230 but less than or equal to 250 feet in depth;
- (3) 120 feet for a main building if the lot is over 250 feet in depth; and
- (4) five feet for an accessory building or structure.

(g) Minimum side yards.

- (1) All buildings and structures must have:
  - (A) on interior lots, a minimum side yard the greater of 10 feet or 80 percent of the average interior side yard in the blockface; and
  - (B) on corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.
- (2) Except as otherwise provided in this section, no balcony, porch, or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(h) Off-street parking requirements. Single-family and duplex uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit.

(i) Signs. Signs are governed by the provisions for non-business zoning districts in Article VII, "Sign Regulations," and all other applicable sign ordinances and laws.

(j) Story requirements. A main building must have at least two stories. (Ord. Nos. 18563; 25423)

The following preservation criteria apply to all property in Area A:

(1) Building placement, form, and treatment.

(A) Accessory buildings. Accessory buildings:

(i) are only permitted in the rear yard no closer than 15 feet to a main building; and

(ii) must be compatible with the scale, shape, roof form, materials, detailing, and color of a main building.

(B) Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building.

(C) Architectural detail. Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.

(D) Awnings.

(i) Wood, metal, and plastic awnings are not permitted unless they:

(aa) are on an accessory building or the rear facade of a main building;

(bb) complement the color scheme of the building to which they are attached; and

(cc) are totally screened.

(ii) All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.

(E) Building placement. All buildings must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.

(F) Building widths. Minimum permitted width for a main building is 80 percent of the average width of the existing main buildings in the blockface.

(G) Chimneys. All chimneys must be compatible with the style and period of a main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:

(i) constructed of brick, stucco, stone, or other materials that look typical of the style and period of a main building; and

(ii) of a style and proportion that is typical of the style and period of a main building.

(H) Color.

(i) Brick and stone surfaces. Brick and stone surfaces not previously painted must not be painted unless the applicant establishes that:

(aa) painting is the only method by which the brick or stone may be restored or preserved; or

(bb) the color and texture of replacement brick or stone cannot be matched with that of the existing brick or stone surface and the paint color matches that of the existing brick or stone surface.

(ii) Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

(iii) Dominant and trim colors. All structures must have a dominant color and no more than three trim colors. The colors of a structure must be complementary of each other and the overall character of this district.

(iv) Gutters and downspouts. Gutters and downspouts must be painted or colored to match or complement the color scheme of the structure to which they are attached.

(v) Roof colors. Roof colors must complement the style and overall color scheme of the structure.

(vi) Stain. The use and color of stain must be typical of the style and period of the building on which the stain is applied.

(I) Columns.

(i) Function. Columns are only permitted as vertical supports near the front entrance of a main building, or as vertical supports for porches.

(ii) Materials. Columns must be constructed of brick, wood, cut stone, or other materials that look typical of the style and period of a main building. No pipe or wrought iron columns are permitted.

(iii) Style. Columns must be of a style typical of the style and period of a main building.

(iv) Width dimensions.

(aa) The width of a one-story column shaft at its widest point must be at least one-eighth the height of the column.

(bb) The width of a two-story column shaft at its widest point must be at least one-tenth the height of the column.

(J) Facade materials.

(i) In general. The only permitted facade materials are brick, wood siding, stone, and stucco. All facade treatments and materials must be typical of the style and period of a main building.



(ii) Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(iii) Wood facades. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on columns and foundation skirts in a manner that is typical of the style and period of a main building.

(K) Front entrances and porches.

(i) Detailing. Railings, moldings, tilework, carvings, and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of a main building.

(ii) Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass, or mesh screening.

(iii) Facade openings. Porches must not obscure or conceal any facade openings in a main building.

(iv) Floor coverings. Carpeting is not permitted as a porch floor or step covering.

(v) Location. An entrance treatment, including door transoms, sidelights, stained glass, trim, and hardware, must be retained in its original location.

(vi) Style. The main building must have a front porch or entry treatment with a shape, roof form, materials, and colors that are typical of the style and period of the building.

(L) Height to width ratio. The relationship between the height and width of the front facade of a main building, including side projections, must be compatible with those of the other main buildings in the blockface.

(M) Porte cocheres. Except as otherwise provided in this subsection, porte cocheres must be preserved as architectural features and not be enclosed on any side by fences, gates, or any other materials. A wrought iron gate is permitted across the rear opening of a porte cochere if it has a screening factor of less than 50 percent and is compatible with the style and scale of a main building.

(N) Roof forms.

(i) Eaves and soffits. The height of eaves and soffits on a main building must be within 10 percent of the height of eaves and soffits on the closest main building in this district of a similar style and having the same number of stories.

(ii) Materials and colors. Roof materials and colors must complement the style and overall color scheme of the building or structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.

(iii) Overhang. The roof overhang on a building must be compatible with the style and scale of the building. A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.

(iv) Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building and include separate substructure roofs.

(v) Skylights and solar panels. Skylights and solar panels are only permitted on:

(aa) the rear 50 percent of the roof of a main building on an interior lot;

(bb) the rear inside quadrant of the roof of a main building on a corner lot; and

(cc) the roof of an accessory building in the rear yard.

(vi) Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of a main building and compatible with existing building forms in this district. Flat or Mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of a main building.

(O) Stairs. Second and third story exterior staircases are only permitted on accessory buildings and the rear 50 percent of a main building, except that they are not permitted on a corner side facade.

(P) Windows and doors.

(i) Front facade openings. The total number of window and door openings (combined) in the front facade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of a main building may not be increased.

(ii) Glass. Clear, decorative stained, and clear leaded glass typical of the style and period of the building may be permitted in any window opening. Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted except in a bathroom window.

(iii) Screens, storm doors, and storm windows. Screens, storm doors, and storm windows may be permitted if:

(aa) their frames are painted or colored to match or complement the color scheme of a main building;

(bb) they do not obscure significant features of the windows and doors they cover; and

(cc) the screen mesh is 18 by 16 gauge.

(iv) Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or on the rear or side facades of a main building.

(v) Shutters. Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.

(vi) Style.

(aa) All windows and doors in the front facade of a main building must be proportionally balanced in a manner typical of the style and period of the building.

(bb) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.

(cc) All windows, doors, and lights in the front and side facades of a main building must be typical of the style and period of the building and compatible with the windows, doors, and lights in the front and side facades of the other main buildings in the blockface. Windows must contain at least two lights (window panes). Sidelights must be compatible in style and materials with the door.

(dd) The frames of windows must be trimmed in a manner typical of the style and period of the building.

(2) Landscaping.

(A) Certain items prohibited in front and corner side yards. The following items are not permitted in the front and corner side yards:

- (i) Above-ground meters.
- (ii) Berms.
- (iii) Pylons and similar structures.
- (iv) Rock or sculpture gardens.

(B) Fences.

(i) Definitions. The following definitions apply to terms used in these fence regulations:

(aa) FINISHED SIDE means the side of a fence that does not reveal the structural components.

(bb) STRUCTURAL COMPONENT means a post, column, or other vertical or horizontal member providing support and strength for a fence.

(ii) Form.

(aa) Fences must be constructed and maintained in a vertical position.

(bb) The top edge of a fence must be along a line that is either horizontal or parallel to grade. Except in the case of a picket, chain link, or wrought iron fence, the top edge of a fence must be flat.

(iii) Height. Maximum permitted height for a fence is nine feet.

(iv) Location.

(aa) Fences are not permitted in the front yard.

(bb) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of a main building, except that the commission may allow a fence to be located in the rear 75 percent of the side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.

(cc) A fence in the corner side yard must not be directly in front of the corner side facade, except that the commission may allow a fence that is directly in front of all or any portion of the rear 50 percent of the corner side facade if:

[1] more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and

[2] the fence does not screen all or any portion of a significant architectural feature of a main building.

(dd) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.

(ee) A fence must run either parallel or perpendicular to a building wall or lot line.

(ff) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of a main building on the adjacent lot with the greater setback.

(v) Materials. A fence must be constructed of one or more of the following materials: metal or plastic-coated chain link, wrought iron, wood, brick, or stucco. Exposed concrete blocks are not permitted.

(vi) Masonry fences.

(aa) The color, texture, pattern, and dimensions of masonry and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of a main building as nearly as practicable.

(bb) All exposed brick in a fence must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(vii) Metal fences.

(aa) Wrought iron and metal fences must be compatible with the style and period of a main building.

(bb) If a wrought iron or metal fence is painted or colored, the color must be black, dark green, or dark brown and complement the color of a main building.

(viii) Wooden fences.

- (aa) All wooden structural posts must be at least four inches in diameter (nominal size).
- (bb) The side of a wooden fence facing a public street must be the finished side.
- (cc) Wooden fences may be painted or stained a color that is complementary to a main building.

(C) Outdoor lighting. Outdoor light fixtures on the front facade of a main building and on poles in the front yard must be compatible with the style and period of a main building and not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted.

(D) Pavement, filler, and edging materials. Pavement, filler, and edging materials, such as landscape timbers, gravel, and bark, used in landscape beds in the front and corner side yards must be reviewed by the commission as part of an overall landscape plan if the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards. No more than 25 percent of the front yard of a residential use may be covered by pavement or filler materials.

(E) Planter boxes. Planter boxes must be:

- (i) an integral part of and typical of the style and period of a main building;
- (ii) 18 inches or less in height;
- (iii) 36 inches or less in depth; and
- (iv) constructed of brick, stone, or smooth-finish concrete that matches or is compatible in texture, color, and style with a main building.

(F) Retaining walls. Retaining walls are not permitted in the front and side yards except to preserve a natural or existing slope or to make a slope similar to that of an adjacent lot. The height of a retaining wall must not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted stone, brick, stucco, or smooth-finish concrete that is compatible in texture, color, and style with a main building.

(G) Sidewalks, driveways, and curbing.

- (i) Materials.
- (aa) No exposed aggregate, asphaltic, or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway, or curbing material.
- (bb) All public sidewalks and curbing must be constructed of brush finish concrete.
- (cc) All private sidewalks and driveways must be constructed of brush finish concrete, brick, tile, or slate. Gravel is allowed in the center strip of a ribbon driveway.

Any material used in a sidewalk or driveway must be compatible in texture, color, and style with a main building.

(ii) Width, style, and spacing.

(aa) The maximum permitted width of a driveway in the front yard is 10 feet. The driveway width may be expanded to 20 feet at any point behind the front facade.

(bb) Ribbon driveways are only permitted if the owner establishes that a ribbon driveway was an original architectural element of the site. If a ribbon driveway is permitted, the ribbons must be at least one foot wide.

(cc) Circular driveways are not permitted in the front yard.

(dd) A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be spaced a minimum of one foot from the existing driveway on the adjacent lot. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.117.**

**USE REGULATIONS FOR AREA B.**

The following use regulations apply to all property in Area B:

(1) Uses that were illegal on February 3, 1982, are illegal uses under this article. Except as otherwise provided in this article, nonconforming uses are governed by Section 51-4.704.

(2) The number of dwelling units on a building site may not be increased. If the number of dwelling units in a building is reduced, or the building is replaced with another building containing a lesser number of dwelling units, the building site shall thereafter be limited to the lesser number of dwelling units.

(3) Uses are limited to single-family residential uses. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.118.**

**DEVELOPMENT STANDARDS FOR AREA B.**

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an R-7.5 Single-Family District apply to all property in Area B. In the event of a conflict, the provisions of this section control.

(b) Height requirements. Maximum permitted heights for buildings and structures are:

(1) 30 feet for a main building; and

(2) 24 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

(1) Each lot must have a minimum area of 7,000 square feet and a minimum depth of 140 feet.

(2) Each lot must have a width no less than 90 percent of the average width of all lots in both the same and the opposite blockface.

(3) Lots platted on or before February 3, 1982, are legal building sites, even though they may not conform to the requirements of this section.

(d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 45 percent.

(e) Minimum front yard.

(1) All buildings and structures must have a minimum front yard setback of 30 feet.

(2) The main building on an interior lot must have a front yard setback that is:

(A) equal to that of the closest main building on either side of the lot in the same blockface; or

(B) between those of the closest main buildings on either side of the lot in the same blockface.

(3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. Minimum permitted rear yard setbacks for buildings and structures are:

(1) 35 feet for a main building; and

(2) five feet for an accessory building or structure.

(g) Minimum side yard.

(1) All buildings and structures must have:

(A) on interior lots, a minimum side yard the greater of five feet or 80 percent of the average interior side yard in the blockface; and

(B) on corner lots, a minimum corner side yard the greater of 10 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.

(2) Except as otherwise provided in this section, no balcony, porch, or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(h) Off-street parking requirements. Single-family uses must provide at least two off-street parking spaces for each dwelling unit. One of the required parking spaces must be behind the front yard.

(i) Signs. Signs are governed by the provisions for non-business zoning districts in Article VII, "Sign Regulations," and all other applicable sign ordinances and laws.

(j) Story requirements. A main building must have less than three stories. An accessory building may have no more than two stories. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.119.**

**PRESERVATION CRITERIA FOR AREA B.**

(a) In general. The preservation criteria in this article applicable to Area A apply to all property in Area B except as expressly modified in this section.

(b) Building placement, form, and treatment.

(1) Accessory buildings. Accessory buildings may be located closer than 15 feet to a main building.

(2) Facade materials. All facade treatments and materials need not be typical of the style and period of a main building so long as they look typical of the style and period of a main building. Existing wood facades need not be preserved as wood facades. Vinyl or aluminum siding is also permitted as a facade material if:

- (A) it appears to consist of four-inch wide panels;
- (B) it is horizontally oriented;
- (C) its color complements the other colors of the building and the overall character of this district;
- (D) it has a wood-grain or smooth-finish texture; and
- (E) it is installed so that the building decorative trim is replaced over the siding in the same manner that it existed before the installation.

(3) Windows and doors. If a door opening in the front facade of a main building is eliminated as part of a conversion from a duplex to a single-family use, it need not be replaced with a window unless the commission determines that the replacement is necessary to preserve the architectural style of the building. Each story of a front facade of a main building must contain at least two windows, or one window and a door.

(c) Landscaping.

Driveway spacing. A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot need not be spaced a minimum of one foot from the existing driveway on the adjacent lot. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.120.**

**USE REGULATIONS FOR AREA C.**

The following use regulations apply to all property in Area C:

(1) Uses that were illegal on February 3, 1982, are illegal uses under this article. Except as otherwise provided in this article, nonconforming uses are governed by Section 51-4.704.

(2) The number of dwelling units on a building site may not be increased. If the number of dwelling units in a building is reduced, or the building is replaced with another building containing a lesser number of dwelling units, the building site shall thereafter be limited to the lesser number of dwelling units.



(3) Except as otherwise provided below, uses are limited to single-family residential uses.

(4) The duplex use at 5503-05 Bryan Street is expressly recognized as a legal use unless and until the structure in which the use is located is destroyed, in which case the right to operate the duplex use terminates immediately. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.121. DEVELOPMENT STANDARDS FOR AREA C.**

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an R-7.5 Single-Family District apply to all property in Area C. In the event of a conflict, the provisions of this section control.

(b) Height requirements. Maximum permitted heights for buildings and structures are:

- (1) 36 feet for a main building; and
- (2) 24 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

(1) Each lot must have a minimum area of 7,500 square feet and a minimum depth of 150 feet.

(2) Each lot must have a width no less than 90 percent of the average width of all lots in both the same and the opposite blockface.

(3) Lots platted on or before February 3, 1982, are legal building sites, even though they may not conform to the requirements of this section.

(d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 30 percent.

(e) Minimum front yard.

(1) All buildings and structures must have a minimum front yard setback of 30 feet.

(2) The main building on an interior lot must have a front yard setback that is:

(A) equal to that of the closest main building on either side of the lot in the same blockface; or

(B) between those of the closest main buildings on either side of the lot in the same blockface.

(3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. Minimum permitted rear yard setbacks for buildings and structures are:

- (1) 50 feet for a main building; and

(2) five feet for an accessory building or structure.

(g) Minimum side yards.

(1) All buildings and structures must have:

(A) on interior lots, a minimum side yard the greater of five feet or 80 percent of the average interior side yard in the blockface; and

(B) on corner lots, a minimum corner side yard the greater of 10 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.

(2) Except as otherwise provided in this section, no balcony, porch, or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(h) Off-street parking requirements. Single-family and duplex uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit.

(i) Signs. Signs are governed by the provisions for non-business zoning districts in Article VII, "Sign Regulations," and all other applicable sign ordinances and laws.

(j) Story requirements. A main building must have at least two stories. An accessory building may have no more than two stories. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.122. PRESERVATION CRITERIA FOR AREA C.**

The preservation criteria in this article applicable to Area A apply to all property in Area C. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.123. USE REGULATIONS FOR AREA D.**

The use regulations in this article applicable to Area B apply to all property in Area D. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.124. DEVELOPMENT STANDARDS FOR AREA D.**

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an R-7.5 Single-Family District apply to all property in Area D. In the event of a conflict, the provisions of this section control.

(b) Height requirements. Maximum permitted heights for buildings and structures are:

(1) 36 feet for a main building; and

(2) 24 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

(1) Each lot must have a minimum area of 7,500 square feet and a minimum depth of 150 feet.

(2) Each lot must have a width no less than 90 percent of the average width of all lots in both the same and the opposite blockface.

(3) Lots platted on or before February 3, 1982, are legal building sites, even though they may not conform to the requirements of this section.

(d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 30 percent.

(e) Minimum front yard.

(1) All buildings and structures must have a minimum front yard setback of 30 feet.

(2) The main building on an interior lot must have a front yard setback that is:

(A) equal to that of the closest main building on either side of the lot in the same blockface; or

(B) between those of the closest main buildings on either side of the lot in the same blockface.

(3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. Minimum permitted rear yard setbacks for buildings and structures are:

(1) 60 feet for a main building; and

(2) five feet for an accessory building or structure.

(g) Minimum side yards.

(1) All buildings and structures must have:

(A) on interior lots, a minimum side yard the greater of five feet or 80 percent of the average interior side yard in the blockface; and

(B) on corner lots, a minimum corner side yard the greater of 10 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.

(2) Except as otherwise provided in this section, no balcony, porch, or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(h) Off-street parking requirements. Single-family uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit.

(i) Signs. Signs are governed by the provisions for non-business zoning districts in Article VII, "Sign Regulations," and all other applicable sign ordinances and laws.

(j) Story requirements. A main building must have less than three stories. An accessory building may have no more than two stories. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.125. PRESERVATION CRITERIA FOR AREA D.**

The preservation criteria in this article applicable to Area A apply to all property in Area D. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.126. USE REGULATIONS FOR AREA E.**

The following use regulations apply to all property in Area A:

- (1) Uses are limited to single-family residential uses.
- (2) The post office use at 6120 Swiss Avenue is expressly recognized as a nonconforming use. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.127. DEVELOPMENT STANDARDS FOR AREA E.**

(a) In general. The development standards in this article applicable to Area A apply to all property in Area E except as expressly modified in this section.

(b) Minimum front yard. The post office use must have a minimum setback along Swiss Avenue that is equal to or greater than that of the closest main building fronting on Swiss Avenue in the same blockface.

(c) Off-street parking requirements. The post office use must provide at least one off-street parking space for each 200 square feet of floor area.

(d) Screening. A solid wood or masonry screening fence no less than six feet in height is required in the rear and side yards of the post office use. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.128. PRESERVATION CRITERIA FOR AREA E.**

The preservation criteria in this article applicable to Area A apply to all property in Area E. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.129. USE REGULATIONS FOR AREA F.**

The use regulations in this article applicable to Area B apply to all property in Area F. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.130. DEVELOPMENT STANDARDS FOR AREA F.**

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an R-7.5 Single-Family District apply to all property in Area F. In the event of a conflict, the provisions of this section control.

(b) Height requirements. Maximum permitted heights for buildings and structures are:

- (1) 36 feet for a main building; and
- (2) 24 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

(1) Each lot must have a minimum area of 7,500 square feet and a minimum depth of 130 feet.

(2) Each lot must have a width no less than 90 percent of the average width of all lots in both the same and the opposite blockface.

(3) Lots platted on or before February 3, 1982, are legal building sites, even though they may not conform to the requirements of this section.

(d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 25 percent.

(e) Minimum front yard.

(1) All buildings and structures must have a minimum front yard setback of 65 feet.

(2) The main building on an interior lot must have a front yard setback that is:

(A) equal to that of the closest main building on either side of the lot in the same blockface; or

(B) between those of the closest main buildings on either side of the lot in the same blockface.

(3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. Minimum permitted rear yard setbacks for buildings and structures are:

(1) 120 feet for a main building; and

(2) five feet for an accessory building or structure.

(g) Minimum side yards.

(1) All buildings and structures must have:

(A) on interior lots, a minimum side yard the greater of 10 feet or 80 percent of the average interior side yard in the blockface; and

(B) on corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.

(2) Except as otherwise provided in this section, no balcony, porch, or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(h) Off-street parking requirements. Single-family uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit.

(i) Signs. Signs are governed by the provisions for non-business zoning districts in Article VII, "Sign Regulations," and all other applicable sign ordinances and laws.

(j) Story requirements. A main building must have at least two stories. An accessory building may have no more than two stories. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.131. PRESERVATION CRITERIA FOR AREA F.**

The preservation criteria in this article applicable to Area A apply to all property in Area F. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.132. BUILDING OFFICIAL.**

The building official shall not issue a building permit or certificate of occupancy for a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 18563; 25423; 26102)

**SEC. 51P-63.133. STREETS AND PAVING.**

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 17285; 25423; 26102)

**SEC. 51P-63.134. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a certificate of occupancy for a use in this PD until there has been full compliance with this article, as amended, and with the construction codes and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 17285; 25423)

**SEC. 51P-63.135. ZONING MAP.**

PD 63 is located on Zoning Map No. I-8. (Ord. 25423)

25423

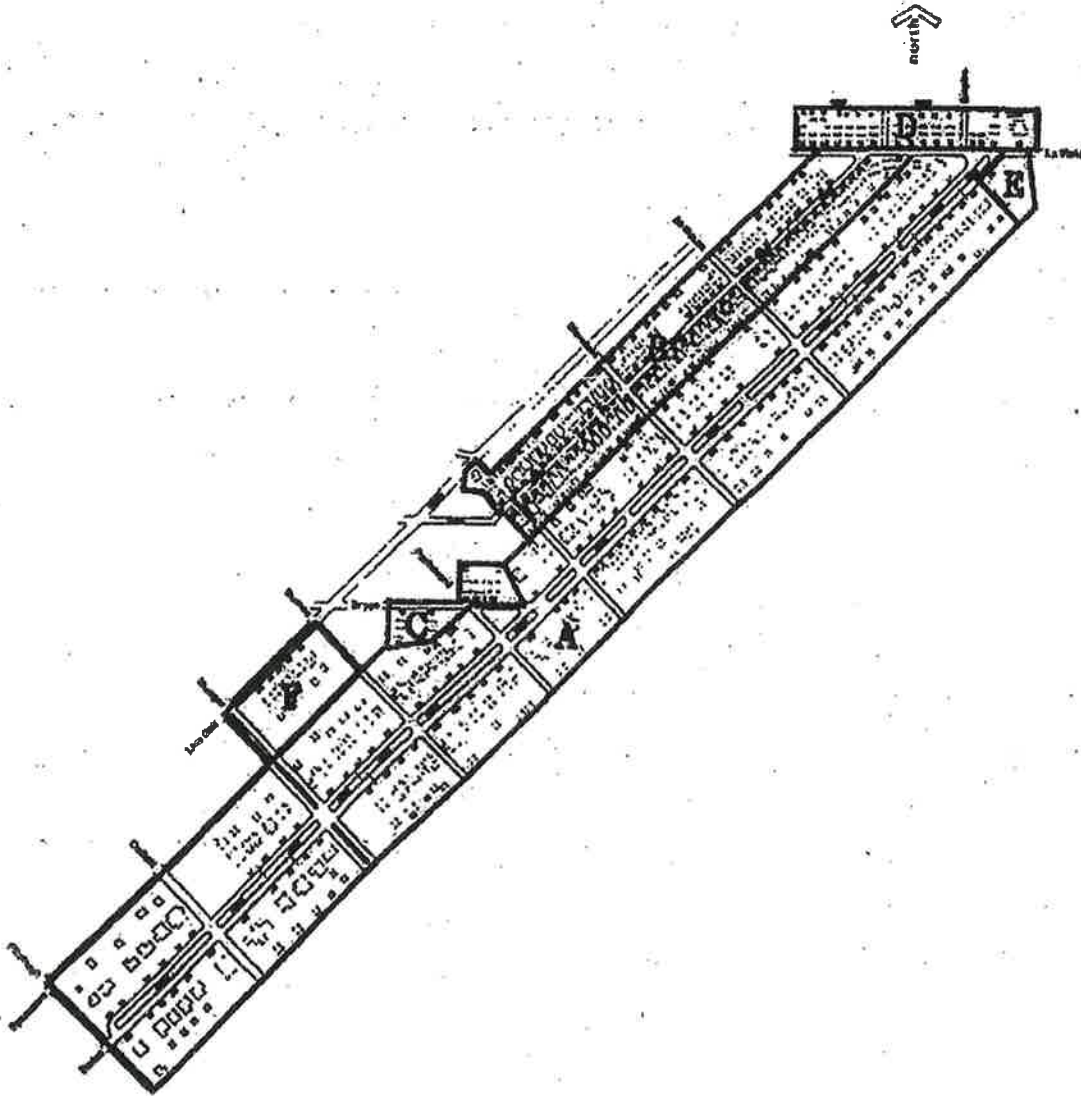
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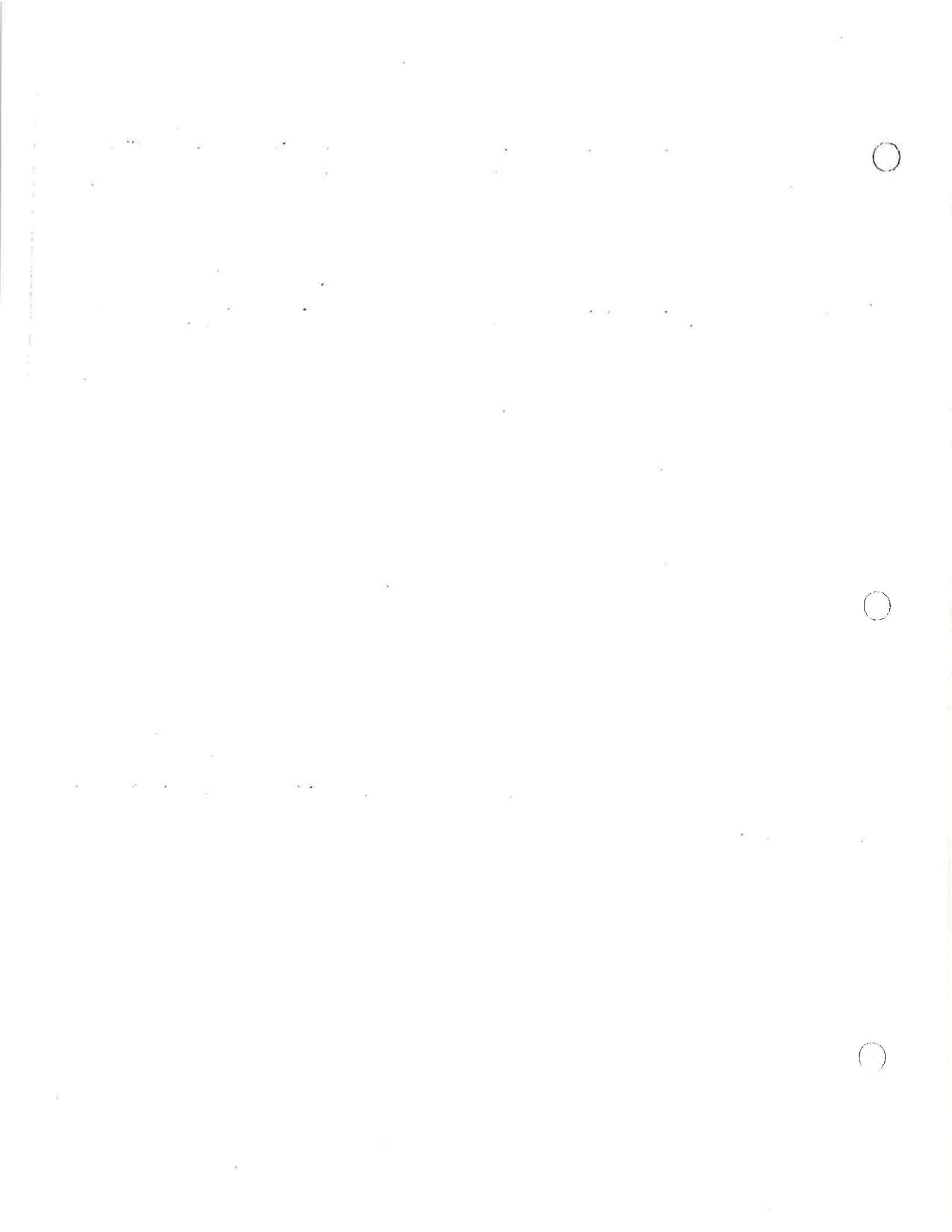
18562

850353

SWISS AVENUE HISTORIC DISTRICT

# EXHIBIT 63A







26340

061388

18563

850353

**EXHIBIT 63B**  
**PAGE 1 of 8**

**EXHIBIT B**

60

26340

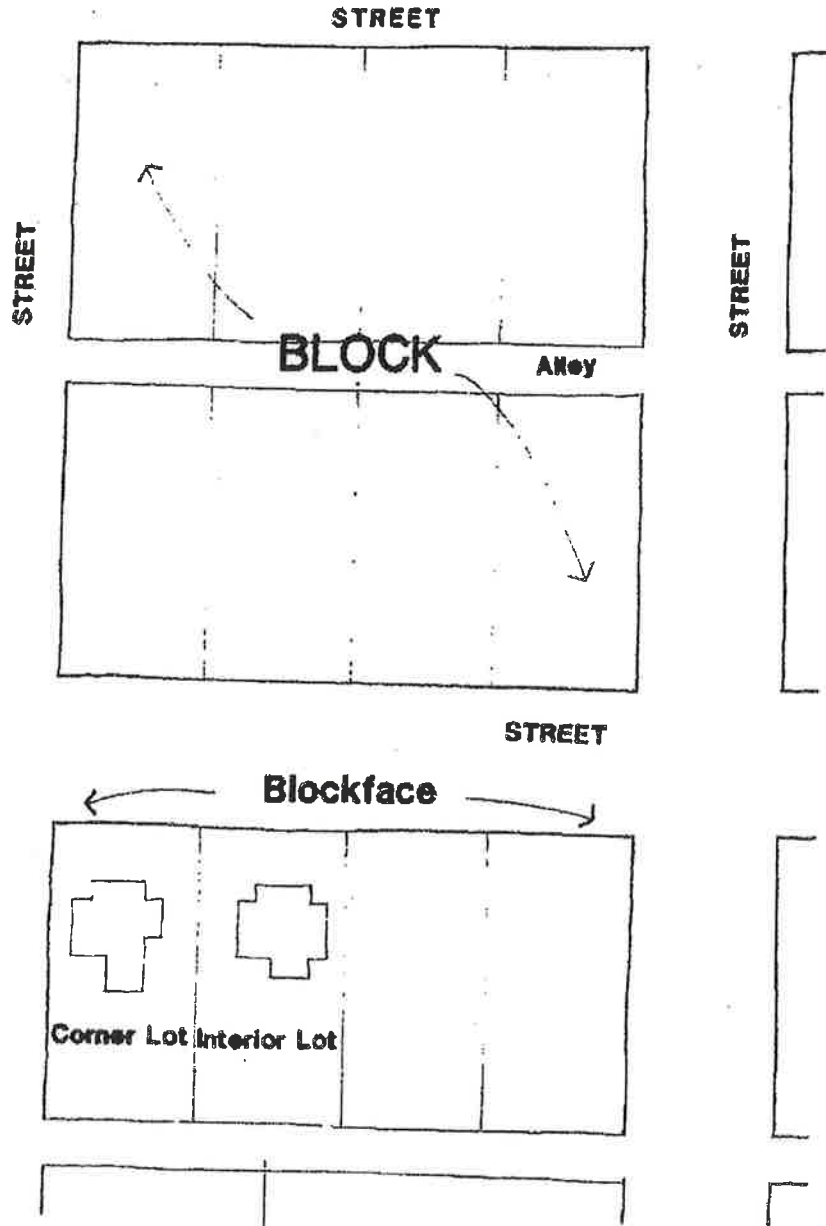
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EXHIBIT 63B SECTION 2(a)

PAGE 2 OF 8



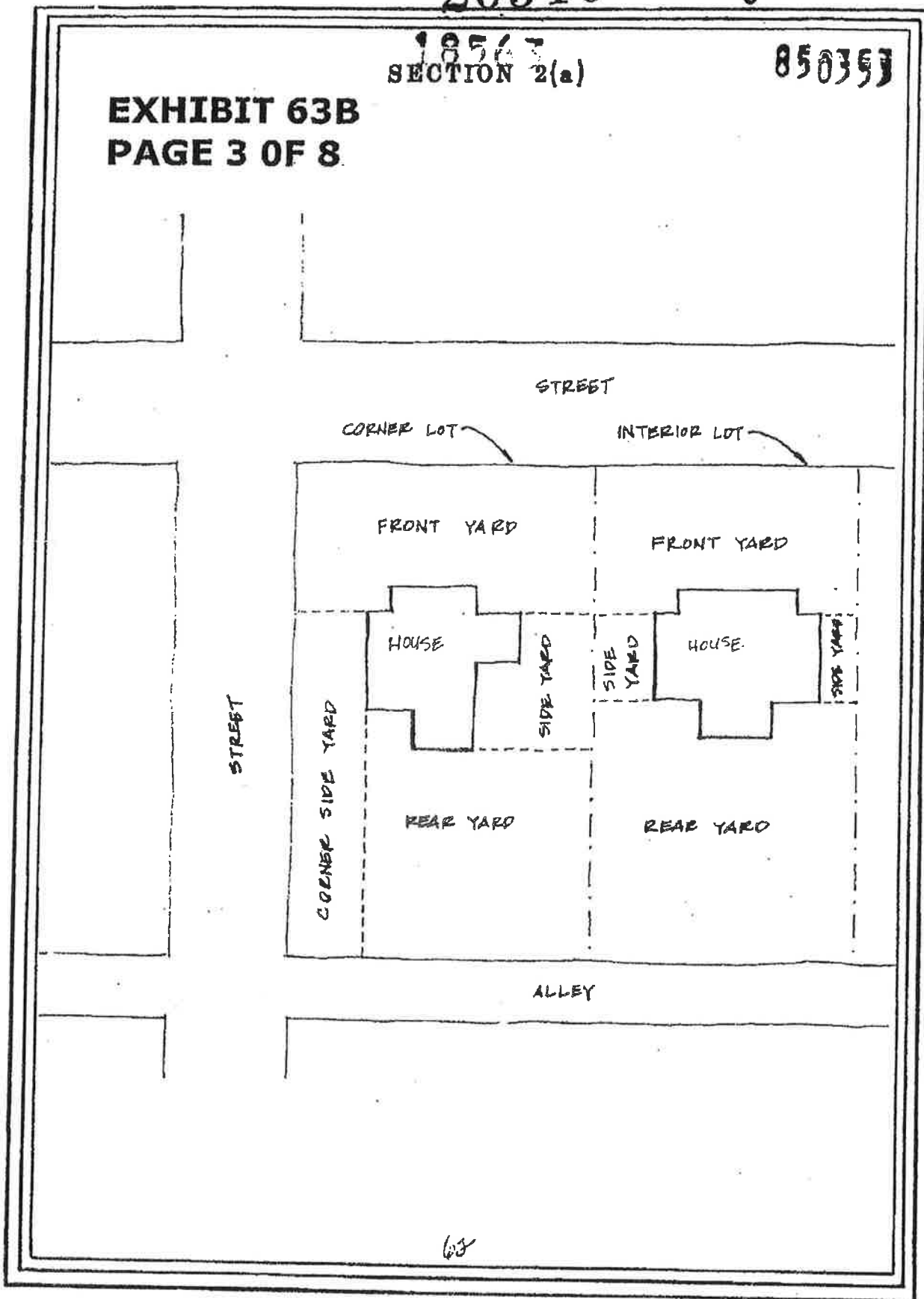
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SECTION 2(a)

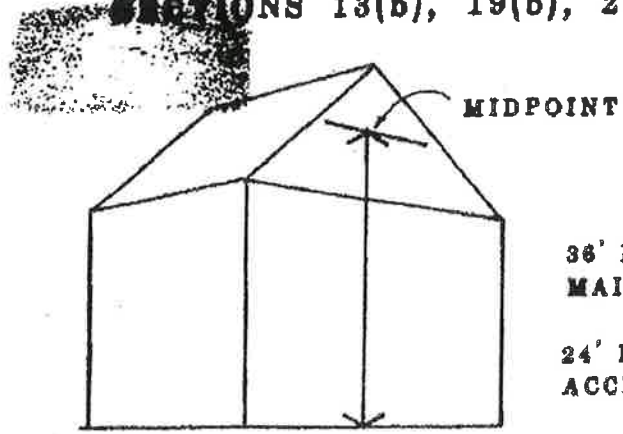
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**EXHIBIT 63B**  
**PAGE 3 OF 8**



63

**SECTIONS 13(b), 19(b), 22(b), 28(b)**

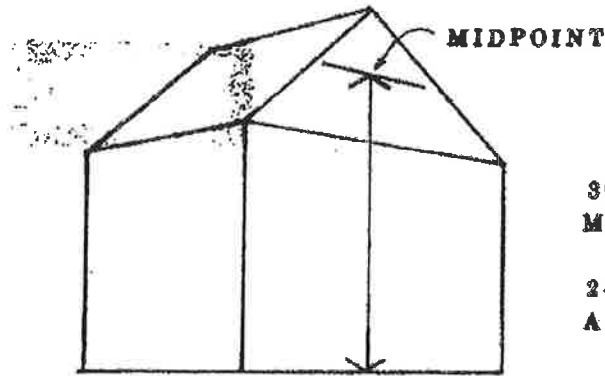


36' MAXIMUM FOR A  
MAIN BUILDING

24' MAXIMUM FOR AN  
ACCESSORY BUILDING

**BUILDING HEIGHT**  
AS DEFINED IN THE DEVELOPMENT CODE

**SECTION 16(b)**



30' MAXIMUM FOR A  
MAIN BUILDING

24' MAXIMUM FOR AN  
ACCESSORY BUILDING

26340

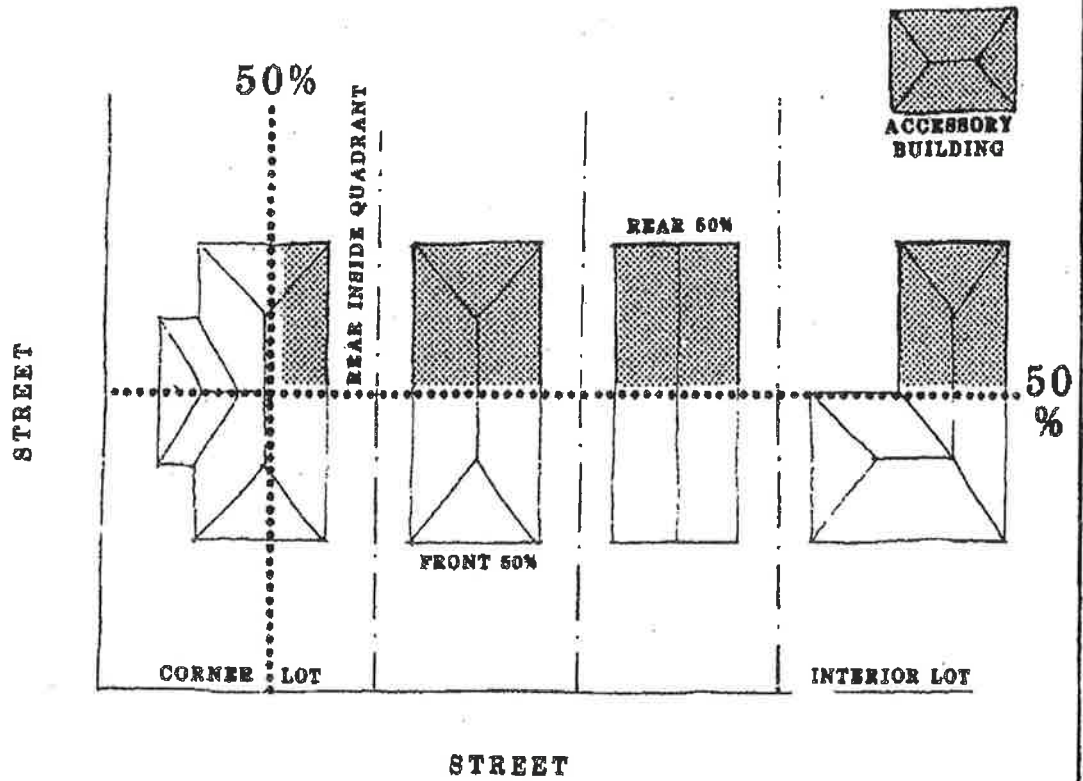
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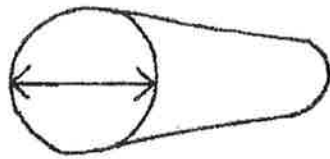
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SECTION 14(a)(7) and (14)

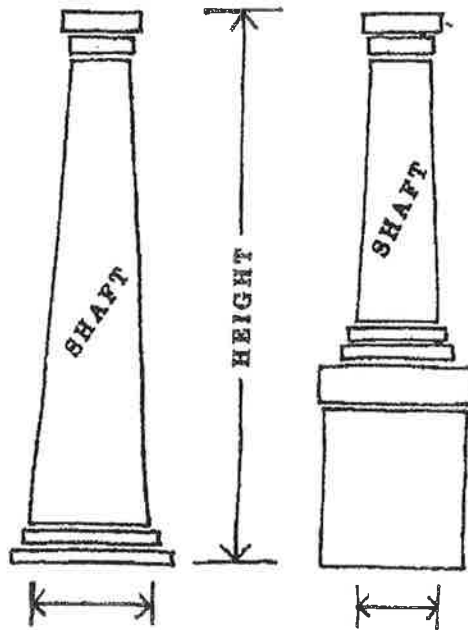
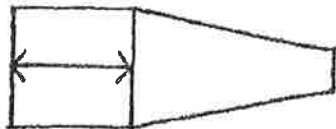
**EXHIBIT 63B**  
**PAGE 5 OF 8**



**EXHIBIT 63B  
PAGE 6 OF 8**



WIDTH



WIDTH OF SHAFT

WIDTH OF SHAFT

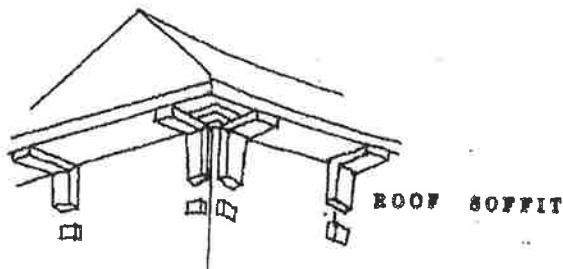
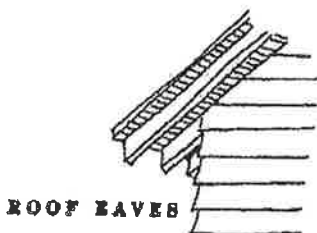
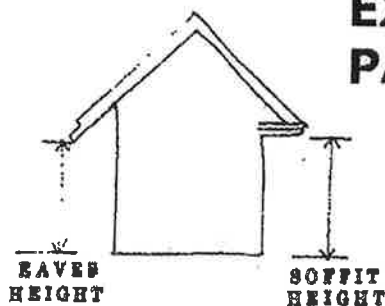
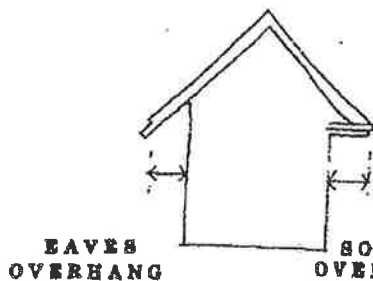
**COLUMNS**

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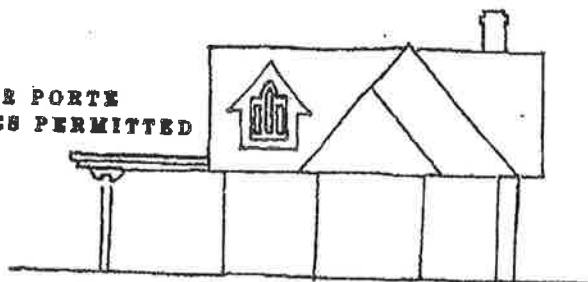
SECTION 14(a)(14)

850353

EXHIBIT 63B  
PAGE 7 OF 8



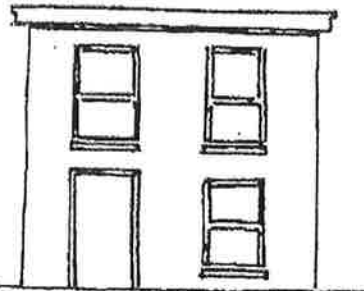
FLAT ROOFS OVER PORTE  
COCHERES AND PORCHES PERMITTED



MANSARD ROOFS NOT PERMITTED  
ON MAIN BUILDINGS



FLAT ROOFS NOT PERMITTED  
ON MAIN BUILDINGS



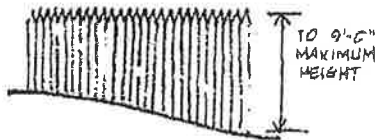
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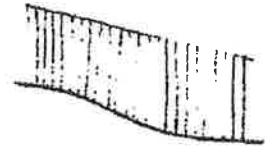
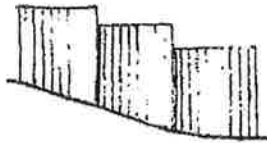
SECTION 14(b)(2)

850353

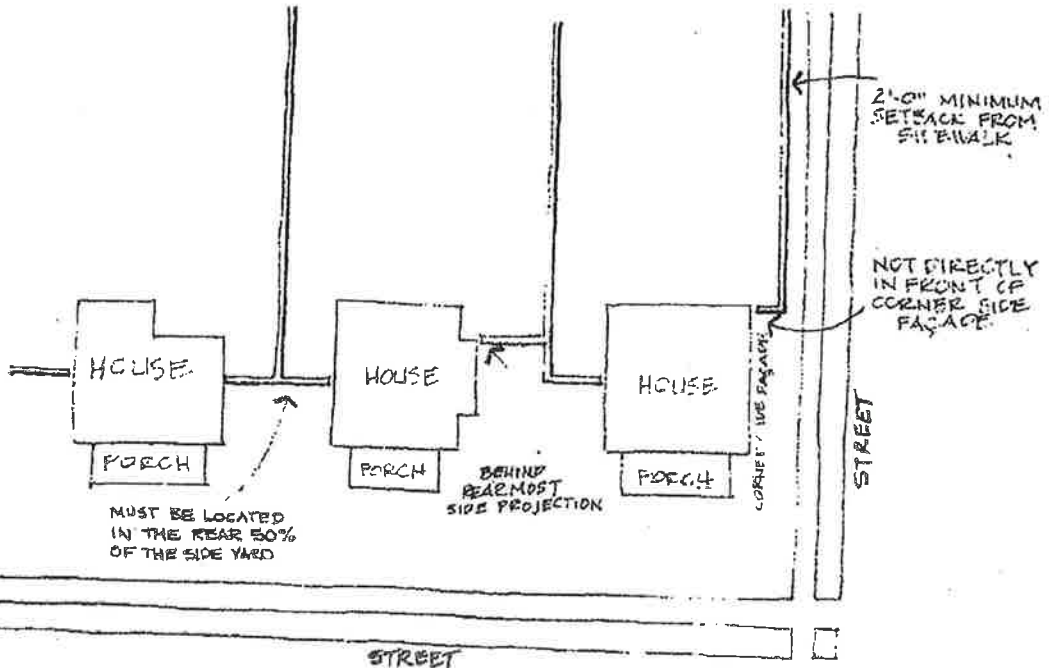
EXHIBIT 63B FEN 26340  
PAGE 8 OF 8



HORIZONTAL



PARALLEL TO GRADE



FINISHED SIDES



26340  
EXHIBIT 63C

061388

Color and color scheme shall be evaluated according to the Munsell Book of Color Systems (Neighboring Hues Edition - 1973).

The Munsell color ranges or their equivalents in Value (V) and Chroma (C) for primary or body trim or accent on structures permitted under RMR are:

Body: 9 through 6V/1 through 4C

Body: 9 through 3V/1 through 6C

Hue symbols 2.5 - 10 for: R (Red) G (Green) B (Blue)  
Y (Yellow) YR (Yellow-Red) GY (Green-Yellow)

Neutral gray and absolute white may also be permitted. Neutral gray must be equivalent in value to those ranges specified above. Any colors or color schemes that are not within the specified allowable Munsell ranges must be reviewed by the committee and commission and approved or denied based on their appropriateness to and compatibility with the structure, blockface, and this district. The commission and city council shall not approve any colors or color schemes (or their equivalents) that are specifically excluded by the text of this article.

020555

1/29/85

ORDINANCE NO. 18563

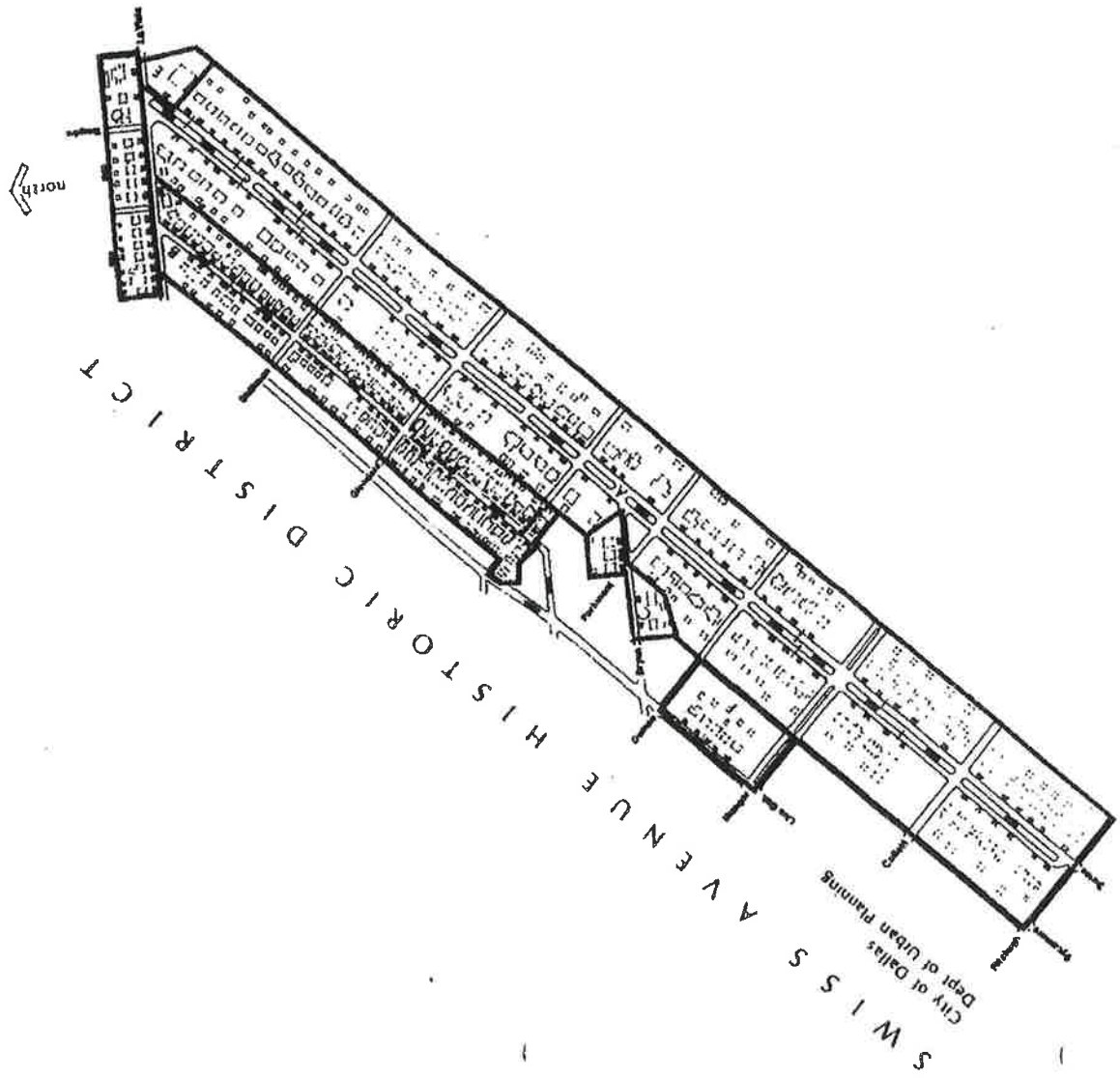
An ordinance amending Ordinance No. 17285 and CHAPTER 51, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended; amending and establishing procedures and regulations pertaining to Planned Development District No. 63/Historic Subdistrict (the Swiss Avenue Historic District); repealing Sections 2, 4, and 6 of Ordinance No. 17285; providing a penalty not to exceed \$1,000; 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 provisions of the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the property described in Ordinance No. 17285, known as the Swiss Avenue Historic District; and

WHEREAS, the city council finds that it is in the public interest to revise certain procedures and regulations pertaining to that district; Now, Therefore,

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

SECTION 1. Table of contents. The following table of contents is provided for use with this ordinance:



# SECTION 7

## Correspondence

- Notice of July 6, 2020 Landmark Hearing
- Notice of application denied without prejudice
- Request to Appeal from applicant
- Appeal Procedures

June 29, 2020

Lauryn Leahy  
2015 Manhattan Beach BLVD,  
Suite 100,  
Redondo Beach, CA 90278

**RE: Review of your Certificate of Appropriateness Application  
425 N ROSEMONT AVE  
Item Number: CA190-351(MLP)**

Dear: Lauryn Leahy

The Landmark Commission meeting will be held July 6, 2020 at 1:00p.m. by video conference. Applicants who wish to speak in accordance with the Landmark Commission Rules of Procedure, should contact the Office of Historic Preservation at 214-670-4206 by end of day, 5p Thursday, July 2, 2020. Applicants should sign up to speak in case there are questions from the Commissioners about your request. You will not have an opportunity to call into the meeting on the day of the hearing. More information will be provided to speakers before the hearing.

**Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 95 or 96 and [bit.ly/cityofdallastv](https://bit.ly/cityofdallastv). Speakers at the meeting are allowed a maximum of three minutes to speak.**

The requests and recommendations are:

- 1) Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black."  
TF:  
No Task Force meeting was held due to the citywide Shelter-in-Place order.  
Staff: Deny without Prejudice
- 2) Install new storefront style entrance door on main structure.  
TF:  
No Task Force meeting was held due to the citywide Shelter-in-Place order.  
Staff: Approve
- 3) Install new lighting fixtures on main structure.  
TF:  
No Task Force meeting was held due to the citywide Shelter-in-Place order.  
Staff: Approve with Conditions

Lauryn Leahy  
2015 Manhattan Beach BLVD,  
Suite 100,  
Redondo Beach, CA 90278

4) Install new siding on rear accessory structure.

TF:

No Task Force meeting was held due to the citywide Shelter-in-Place order.

Staff: Deny without Prejudice

- You will be given an opportunity to discuss your application during the 1:00 P.M. public hearing.
- Prior to the 1:00 P.M. public hearing, there will be a staff briefing, which includes a description of your application that starts at 11:00 A.M., the same day, 5ES.

**THESE RECOMMENDATIONS ARE NOT FINAL**

Please do not start work until you receive a final written notice from our office.

The Landmark Commission considers these recommendations and welcomes your attendance and input. If you have any questions, please contact me by email at [melissa.parent@dallascityhall.com](mailto:melissa.parent@dallascityhall.com). Thank you for your cooperation.



Melissa Parent

July 13, 2020

Lauryn Leahy  
2015 Manhattan Beach BLVD,  
Suite 100,  
Redondo Beach, CA 90278

**RE: CA190-351(MLP)  
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION  
425 N ROSEMONT AVE**

Dear Lauryn Leahy:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on July 6, 2020.

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 August 5, 2020. For information regarding the appeals process, please call Elaine Hill at 214-670-4201

Encl. Application for Appeal  
Ordinance No. 19455

If you have any questions, please contact me by email at [melissa.parent@dallascityhall.com](mailto:melissa.parent@dallascityhall.com).



Melissa Parent

**Certificate of Appropriateness**

July 6, 2020

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Standard	July 6, 2020	<b>PLANNER:</b>	Melissa Parent
<b>FILE NUMBER:</b>	CA190-351(MLP)	<b>DATE FILED:</b>	April 2, 2020
<b>LOCATION:</b>	425 N ROSEMONT AVE	<b>DISTRICT:</b>	Winnetka Heights Historic District
<b>COUNCIL DISTRICT:</b>	1	<b>MAPSCO:</b>	54-A
<b>ZONING:</b>	PD-87,R-7.5(A)	<b>CENSUS TRACT:</b>	0046.00

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**APPLICANT:** Lauryn Leahy  
**REPRESENTATIVE:**  
**OWNER:** PERRY ALLAN EARL &

The Landmark Commission decision is: Denied without Prejudice

Information regarding requests:

1) Paint main structure. Brand: Behr. Body: N320-2 "Toasty Gray." Trim, columns: 75 "Polar Bear." Accent, shutters, doors: N460-7 "Space Black."

Deny without Prejudice

Conditions: The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.

2) Install new storefront style entrance door on main structure.

Deny without Prejudice

Conditions: The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.

3) Install new lighting fixtures on main structure.

Deny without Prejudice

Conditions: The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.

4) Install new siding on rear accessory structure.

Deny without Prejudice

Conditions: The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(ii) on the basis that the proposed work will have an adverse effect on the historic overlay district.



Landmark Commission Chair

July 6, 2020

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 August 5, 2020

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



Landmark Case/File No.: CA190-351(MLP)

Property Address: 425 N ROSEMONT AVE

Date of Landmark Commission Action: July 6, 2020

Applicant's Name: Lauryn Leahy

Applicant's Mailing Address: 2015 Manhattan Beach Blvd, Suite 100

City: Redondo Beach State: CA Zip: 90278

Applicant's Phone Number: 310-640-3070 x 2306 Fax: \_\_\_\_\_

Applicant's Email: LLeahy@wedgewood-inc.com

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

Owner's Name: Hollyvale Rental Holdings, LLC

Owner's Mailing Address: 2015 Manhattan Beach Blvd, Suite 100

City: Redondo Beach State: CA Zip: 90278

Owner's Phone Number: 310-640-3070 x 2306 Fax: \_\_\_\_\_

Owner's Email: Lleahy@wedgewood-inc.com

  
Applicant's Signature

7/27/2020  
Date

  
Owner's Signature (if individual)  
or Letter of Authorization (from corporation/partnership)

7/27/2020  
Date

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.