

Case No. CA212-574(RD)

Marlon Lunaty (Appellant) vs. Landmark Commission (Appellee)

In re 4512-4518 Sycamore Street Dallas, TX 75204

Brief In Opposition of the Landmark Commission's Decision

TO THE HONORABLE COMMISSIONERS OF THE CITY PLAN COMMISSION:

Now comes Marlon Lunaty, owner of the 4512-4518 Sycamore property and submits this brief in opposition of the Landmark's decision to deny part of Appellant's application for a certificate of appropriateness.

A. Facts and Background

The purpose of the historic district preservation program is to protect, enhance, and perpetuate places that represent distinctive and important elements of the City of Dallas's historical and architectural history, and to preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the City of Dallas's history. Dallas. Tex Code 51a-4.501 also outlines that proposed work (2) strengthen the economy of the city and by updating the windows and stabilizing the property it creates taxable income that the city will benefit from. (3) Increasing public knowledge and appreciation of the city's historic past by beautifying the property back to its original glory and it is has done so by creating curb appeal. Doing this also (4) fosters civic and neighborhood pride and a sense of identity from the citizens of the city. The sense of pride in turn (5) promotes the enjoyment and use of the historic resources by the people of the city and (6) preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history. All these factors help (7) to create a more livable urban environment for new and existing apartment seekers and in turn (8) enhance property values which create revenue for the city. These benefits also help (9) provide financial incentives for preservationist like myself. All of these incentives help (10) bring tourist and visitors into Dallas providing tourist revenue to the city and (14) stabilize the neighborhoods providing safe and livable environments for Dallas citizens.

The two structures at issue are identified as non-contributing structures, both of which were grandfathered in to the Peak's Suburban Addition Historic District because they have an effective year built of 1990 and the Peak's Suburban Addition was not established until 1995. Therefore making the windows subject to existing or modern requirements for replacement. The windows installed in 1990 were of the aluminum material and not wood. The paint on the brick was painted prior to Appellant's new ownership of property.

B. Argument

The Landmark Decision violates statutory or ordinance provisions concerning the windows because Peaks Suburban Ordinance 22352 Exhibit A section 5.4 states all windows must be of wood or resemble wood in appearance, which if standing 30 feet from the property the wood composite windows from Anderson windows, are indiscernible from other wood windows, I believe because of the strong, bias and prejudicial objections from Commissioner Anderson the rest of the body of commissioners were bullied and swayed into voting against the window proposals. In conclusion, the bias and the fact that the windows that were installed in 1990 were aluminum the landmark commission exceeded the authority in this matter. We will concede the paint on the brick and paint it a more appropriate gray earth tone adhering to the Peak's Suburban Ordinance and Dallas code 51A-4.501.

Respectfully Submitted,

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