

THE RECORD

**3614 MEADOW STREET
APPEAL
CA178-487(MP)**

**City Plan Commission
Hearing
06/21/2018**

VIA CERTIFIED MAIL 7014 2120 0003 4355 9486

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SECTION 1

Certificate of Appropriateness

3614 Meadow Street
CA178-487(MP)

Certificate of Appropriateness (CA)
City of Dallas Landmark Commission

CA 178-487 (MP)
 Office Use Only

Name of Applicant: DAVID & TRELIA GHAAZEE
 Mailing Address: 3614 MEADOW STREET
 City, State and Zip Code: DALLAS, TX 75215
 Daytime Phone: (214) 542-7301 Fax: _____
 Relationship of Applicant to Owner: OWNER

OFFICE USE ONLY
 Main Structure:
 Contributing
 Non-contributing

PROPERTY ADDRESS: 3614 MEADOW ST, DALLAS, TX 75215
 Historic District: KHATEEY PLACE

PROPOSED WORK:

Please describe your proposed work simply and accurately. DO NOT write "see attached." Attach extra sheets if necessary and supplemental material as requested in the submittal criteria checklist.

HOME REMODEL & NEW ADDITION, TO INCLUDE REPLACING THE EXISTING SIDING, PAINTING THE EXISTING BRICK, REPLACING ALL WINDOWS, ADDING A NEW FRONT DOOR, AND ADDING AN ADDITIONAL 9,000 SQUARE FEET OF SPACE TO THE EXISTING STRUCTURE

Signature of Applicant: David Ghazee Date: **RECEIVED BY**
 Signature of Owner: _____ Date: _____
 (IF NOT APPLICANT)

APR 05 2018

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.

Current Planning

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

Mark Pin
 Sustainable Construction and Development

May 9 2018
 Date

SECTION 2

Agenda

May 7, 2018

See Pages 26, 27 and 28, Item #11

Landmark Commission Agenda
Monday, May 7, 2018

the standards in City Code Section 51A-4.501(g)(6)(C)(i).

2. Resize window on rear, right side elevation – Approve with conditions – Approve proposed work with the condition that the void left by resizing is infilled with siding to match the original with the finding the work meets the standard in City Code Section 51A-4.501(g)(C)(6)(i).
3. Construct wood, cedar board fence – Approve – Approve site plan dated 4/18/18 with the finding the work is consistent with preservation criteria Sections 1.9, 1.12, and 1.14 and meets the standards in City Code Section 51A-4.501(g)(C)(6)(i).

Task Force Recommendation:

1. Replace front and rear doors. Work completed without a Certificate of Appropriateness – Approve – Approve.
2. Resize window on rear, right side elevation – Deny – Deny resizing of window in rear.
3. Construct wood, cedar board fence – Approve – Approve construction of wood, cedar board fence.

Request:

1. Construct two-story addition that connects main structure to existing accessory structure.
2. Add porch and railing to front elevation.
3. Add front-facing gable to front elevation.
4. Replace all windows.
5. Add door to left side elevation.
6. Replace front door.
7. Replace aluminum siding with Hardie board.
8. Paint existing brick. Brand: Behr - PPU24-22 'Shadow Mountain.'
9. Expand approach on right side of existing driveway and expand driveway to proposed new structure.
10. Construct 8' wood fence with iron gates.

Applicant: David Ghaazee

Application filed: 4/6/2018

Staff Recommendation:

1. Construct two-story addition that connects main structure to existing accessory structure – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 9.8 which states that the height of additions is not to exceed the height of the contributing structure.
2. Add porch and railing to front elevation – Approve – Approve drawings dated 4/18/18 with the finding the work is consistent with preservation criteria Section

11. 3614 MEADOW ST

Wheatley Place Historic District
CA178-487(MP)
Marsha Prior

**Landmark Commission Agenda
Monday, May 7, 2018**

- 4.1(b) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
3. Add front-facing gable to front elevation – Deny 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 preservation criteria Section 6.1 which states that historic slope, massing, configuration, and materials of the roof must be preserved.
 4. Replace all windows – Deny 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 preservation criteria Section 5.3 which states that replacement windows must express profile, muntin and muillon size, light configuration, and material to match the historic.
 5. Add door to left side elevation – Deny without prejudice – The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because applicant has provided insufficient information on the style and material of proposed door.
 6. Replace front door – Approve – Approve drawings and specifications dated 4/18/18 with the finding the work is consistent with preservation criteria Section 5.2 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
 7. Replace aluminum siding with Hardie board – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.3 which states that wood siding must be restored wherever practical.
 8. Paint existing brick. Brand: Behr - PPU24-22 'Shadow Mountain' – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.1(e) which states that brick on protected facades may not be painted.
 9. Expand approach on right side of existing driveway and expand driveway to proposed new structure – Approve with conditions – Approve site plan dated 4/18/18 with the condition that the approach and driveway are brush finish concrete with the finding the work is consistent with preservation criteria Section 3.3 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
 10. Construct 8' wood fence with iron gates – Approve with conditions – Approve site plan and

Landmark Commission Agenda
Monday, May 7, 2018

specifications dated 4/18/18 with the condition that the tops of the iron gates are horizontal with the finding the work is consistent with preservation criteria Sections 3.11(b), 3.12, 3.13, and 3.14 and meets the standards in City Code Section 51A-4.510(g)(6)(C)(i).

Task Force Recommendation:

1. Construct two-story addition that connects main structure to existing accessory structure. – Deny without prejudice - Deny without prejudice the 2nd story of contributing structure. Ordinance 9.8 states that additions may not exceed height of contributing structure.
2. Add porch and railing to front elevation. – Approve - Approve porch and railing on front of structure.
3. Add front-facing gable to front elevation. – Approve - Approve front facing gable of structure.
4. Replace all windows. – Approve - Approve vinyl windows for all windows. Vote 3:1. For - Williams, Taylor, Harris. Against - Wallace. Reason for opposition: Vinyl windows are inappropriate. Wooden windows are what was originally there. Two remaining original windows should remain.
5. Add door to left side elevation. – Approve - Approve movement of door to left elevation.
6. Replace front door. – Approve - Approve front door with wood door.
7. Replace aluminum siding with Hardie board. – Approve - Approve aluminum siding replacement with Hardie board. Vote 3:1. For - Williams, Taylor, Harris. Against - Wallace. Reason for opposition: Wood siding is more historically appropriate.
8. Paint existing brick. Brand: Behr - PPU24-22 'Shadow Mountain.' – Approve with conditions - Approve with condition of alternative color selection.
9. Expand approach on right side of existing driveway and expand driveway to proposed new structure. – Approve - Approve widening of driveway entrance and addition of driveway in rear of structure.
10. Construct 8' wood fence with iron gates. – Approve - Approve 8' wood fence with iron gate.

Request:

Remove shakes from front gable and install #117 pattern siding. Work partially completed without a Certificate of Appropriateness.

Applicant: CHRIS TURNER

Application filed: 4/5/2018

Staff Recommendation:

Remove shakes from front gable and install #117 pattern

12. 426 S CLINTON AVE
Winnetka Heights Historic District
CA178-478(JKA)
Jennifer Anderson

SECTION 3

- Docket Material
- Power Point presentation



LANDMARK COMMISSION**MAY 7, 2018**

FILE NUMBER: CA178-487(MP)
LOCATION: 3614 Meadow Street
STRUCTURE: Main, Contributing
COUNCIL DISTRICT: District 7
ZONING: PD-595

PLANNER: Marsha Prior
DATE FILED: April 5, 2018
DISTRICT: Wheatley Place
MAPSCO: 46-U
CENSUS TRACT: 37.00

APPLICANT: David and Trelia Ghaazee

REPRESENTATIVE: None

OWNER: David and Trelia Ghaazee

REQUEST:

- 1) Construct two-story addition that connects main structure to existing accessory structure.
- 2) Add porch and railing to front elevation.
- 3) Add front-facing gable to front elevation.
- 4) Replace all windows.
- 5) Add door to left side elevation.
- 6) Replace front door.
- 7) Replace aluminum siding with Hardie board.
- 8) Paint existing brick. Brand: Behr – PPU24-22 “Shadow Mountain.”
- 9) Expand approach on right side of existing driveway and expand driveway to proposed new structure.
- 10) Construct 8’ wood fence with iron gates.

BACKGROUND / HISTORY: None.

The structure is listed as contributing to the Wheatley Place historic district.

ANALYSIS:

Request #1 – Both Staff and Task Force are recommending deny without prejudice because the proposed work is inconsistent with the preservation criteria for additions on contributing structures. Additions are not to exceed the height of the contributing structure.

Per current owner and applicant, whose grandfather previously owned the property, the original detached accessory structure was two stories. The second floor was a living space, but grandfather eventually removed the upper floor. Sanborn maps from 1922 and 1951 indicate as well that the accessory structure was two-stories.

Request #2 – Staff is supportive of the proposed front porch because it is historically appropriate. The house originally had a front porch that was enclosed at some point. The proposed porch helps to restore the original look and feel of the main structure. Task Force was also supportive.

Request #3 – Staff is recommending deny without prejudice because no evidence has been submitted to show that the house originally had a front facing gable at this location. Preservation criteria stipulates that the historic roof configuration is to be preserved. Task Force was supportive of the proposed gable.

Request #4 – All windows have been replaced and currently consist of varying materials. There are two wood windows in the rear, but they are part of a rear addition that was constructed a number of years ago. The proposed use of a man-made material for the replacement windows is inconsistent with preservation criteria that stipulates that replacement windows match original material. Task Force approved the replacement of window, although one member was opposed citing preference for wood windows.

Request #5 – Staff is not opposed to creating a door on the side elevation because it is toward the rear and it is not believed to have an adverse impact on the house or the historic overlay district. Staff is recommending deny without prejudice due to lack of information on the style or material of the door. Task Force was supportive of the proposed location for a new side door.

Request #6 – Staff is supportive of the proposed front door as presented in the specifications dated 4/18/18. The proposed door is a simple Craftsman without a lot of detail that would complement the modest bungalow, especially if the proposed porch restoration is approved. Task Force was also supportive.

Request #7 – Staff does not believe the proposed Hardie board to be historically accurate for siding, and thus, is recommending deny without prejudice. Task Force approved with one member in opposition because wood siding is more appropriate.

Request #8 – Historically, painted brick was not common, therefore, Staff is recommending to deny without prejudice. Task Force, however, recommended approval, though they suggested that a lighter color or something to match the current red brick color as more appropriate.

Request #9 – Both Staff and Task Force are supportive of the proposed expansion of the driveway.

Request #10 – Staff is recommending approval of the proposed fence and iron gates with the condition that the tops of the iron gates are horizontal. The proposed fence and its location follow the preservation criteria. Task Force also recommended approval.

STAFF RECOMMENDATION:

- 1) Construct two-story addition that connects main structure to existing accessory structure – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 9.8 which states that the height of additions is not to exceed the height of the contributing structure.
- 2) Add porch and railing to front elevation – Approve – Approve drawings dated 4/18/18 with the finding the work is consistent with preservation criteria Section 4.1(b) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
- 3) Add front-facing gable to front elevation – Deny 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 preservation criteria Section 6.1 which states that historic slope, massing, configuration, and materials of the roof must be preserved.
- 4) Replace all windows – Deny 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 preservation criteria Section 5.3 which states that replacement windows must express profile, muntin and mullion size, light configuration, and material to match the historic.
- 5) Add door to left side elevation – Deny without prejudice – The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because applicant has provided insufficient information on the style and material of proposed door.
- 6) Replace front door – Approve – Approve specifications dated 4/18/18 with the finding the work is consistent with preservation criteria Section 5.2 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
- 7) Replace aluminum siding with Hardie board – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.3 which states that wood siding must be restored wherever practical.
- 8) Paint existing brick. Brand: Behr – PPU24-22 “Shadow Mountain” – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.1(e) which states that brick on protected facades may not be painted.
- 9) Expand approach on right side of existing driveway and expand driveway to proposed new structure – Approve with conditions – Approve site plan dated 4/18/18 with the condition that the approach and driveway are brush finish concrete with the finding the work is consistent with preservation criteria Section 3.3 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

- 10) Construct 8' wood fence with iron gates – Approve with conditions – Approve site plan and specifications dated 4/18/18 with the condition that the tops of the iron gates are horizontal with the finding the work is consistent with preservation criteria Sections 3.11(b), 3.12, 3.13, and 3.14 and meets the standards in City Code Section 51A-4.510(g)(6)(C)(i).

TASK FORCE RECOMMENDATION:

- 1) Construct two-story addition that connects main structure to existing accessory structure – Deny without prejudice – Deny without prejudice the 2nd story of contributing structure. Ordinance 9.8 states that additions may not exceed height of contributing structure.
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- 4) Replace all windows – Approve – Approve synthetic windows for all windows. Vote 3:1. For - Williams, Taylor, Harris. Against - Wallace. Reason for opposition: Synthetic windows are inappropriate. Wooden windows are what was originally there. Two remaining wood windows should remain.
- 5) Add door to left side elevation – Approve – Approve movement of door to left elevation.
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Certificate of Appropriateness (CA)
City of Dallas Landmark Commission

CA 178 - 487 (MP)
 Office Use Only

Name of Applicant: DAVID & TRULIA GHAAZEP
 Mailing Address: 3614 MEADOW STREET
 City, State and Zip Code: DALLAS, TX 75215
 Daytime Phone: (214) 542-7309 Fax: _____
 Relationship of Applicant to Owner: OWNER

OFFICE USE ONLY
 Main Structure:
 Contributing
 Non-contributing

PROPERTY ADDRESS: 3614 MEADOW ST. DALLAS, TX 75215
 Historic District: KILLENEY PLACE

PROPOSED WORK:
 Please describe your proposed work simply and accurately. DO NOT write "see attached." Attach extra sheets if necessary and supplemental material as requested in the submittal criteria checklist.

HOME REMODEL & NEW ADDITION, TO INCLUDE REPLACING THE EXISTING SIDING, PAINTING THE EXISTING BRICK, REPLACING ALL WINDOWS, ADDING A NEW FRONT DOOR, AND ADDING AN ADDITIONAL 1,000 SQUARE FEET OF SPACE TO THE EXISTING STRUCTURE

Signature of Applicant: David Ghazep Date: **RECEIVED BY**
 Signature of Owner: _____ Date: _____
 (IF NOT APPLICANT)

APR 05 2018

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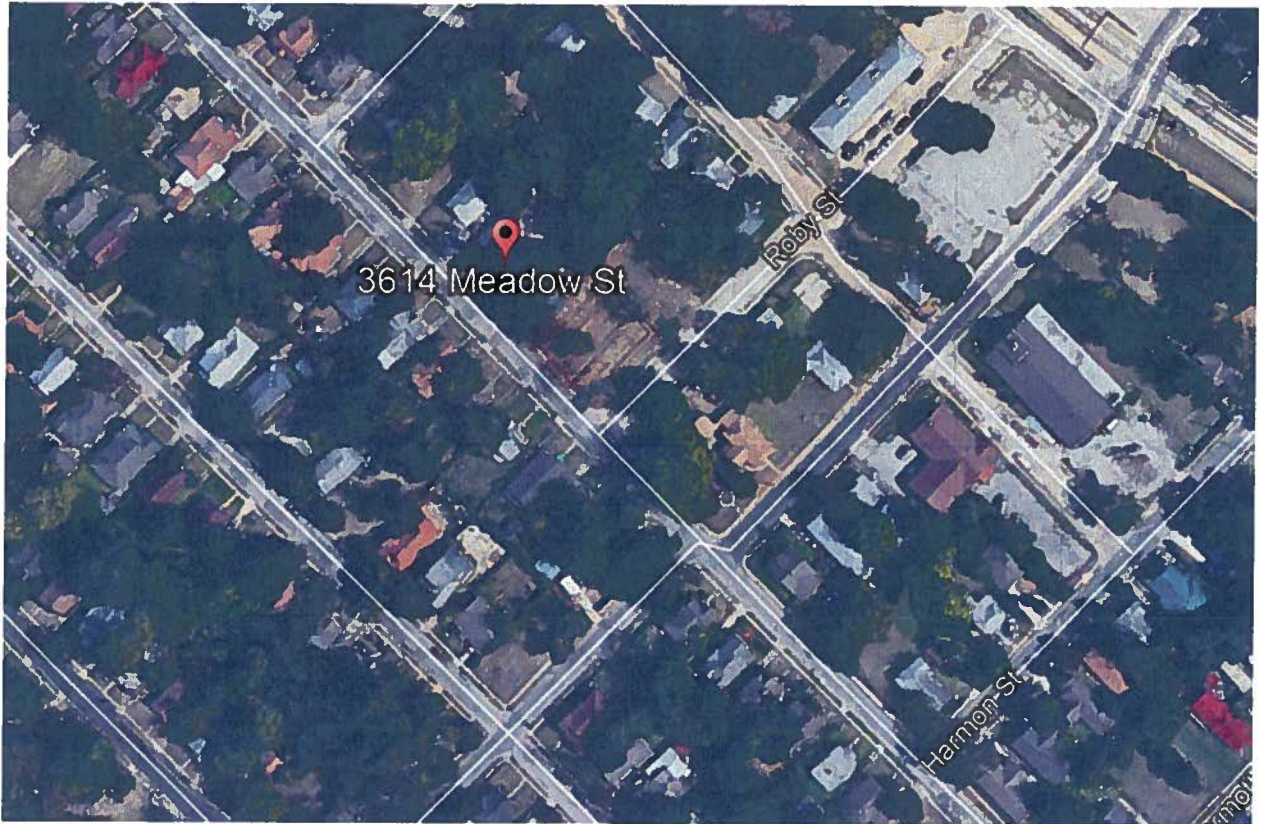
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- APPROVED WITH CONDITIONS.** Please release the building permit in accordance with any conditions.
- DENIED.** Please do not release the building permit or allow work.
- DENIED WITHOUT PREJUDICE.** Please do not release the building permit or allow work.

Signed drawings and/or specifications are enclosed ___ Yes ___ No

Sustainable Construction and Development _____ Date _____



Aerial view



Front (West) elevation.



View to left (North) of 3614 Meadow.



View to right (South) of 3614 Meadow.



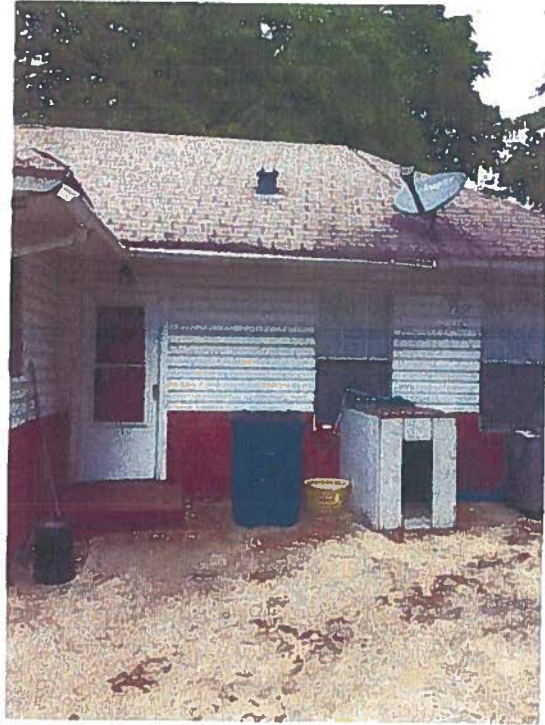
View across the street (West) from 3614 Meadow. Image from Google Maps, 2017.
Unable to take photo during site visit.

GHAZEE RESIDENCE: EXISTING PHOTOS

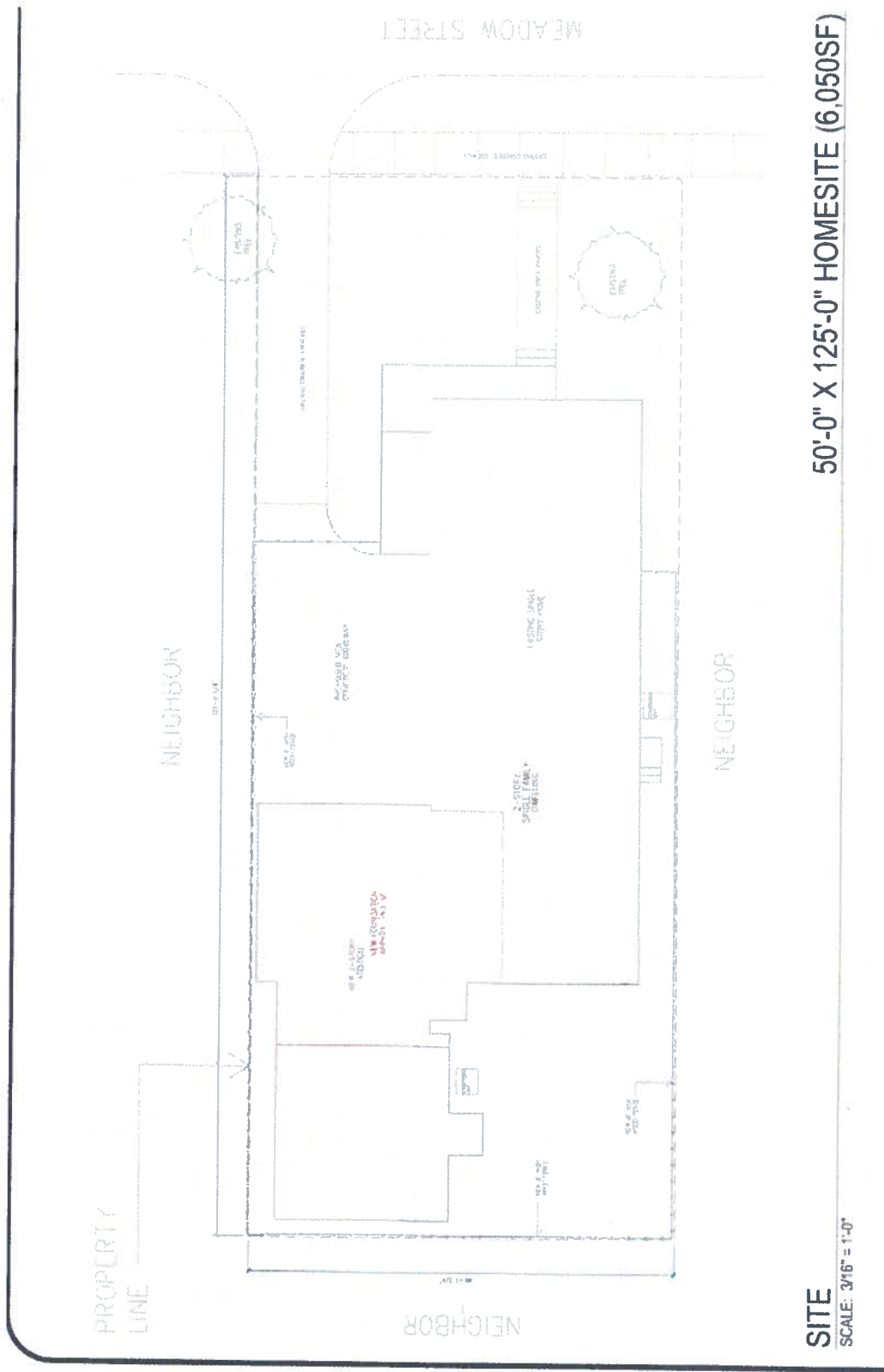


Photos of 3614 Meadow as it currently exists. Images provided by applicant.

GHAAZEE RESIDENCE: EXISTING PHOTOS



Photos of 3614 Meadow as it currently exists. Images provided by applicant.



SITE 50'-0" X 125'-0" HOMESITE (6,050SF)

SCALE: 3/16" = 1'-0"

Proposed site plan.

CA178-487(MP)

D11-13

000022

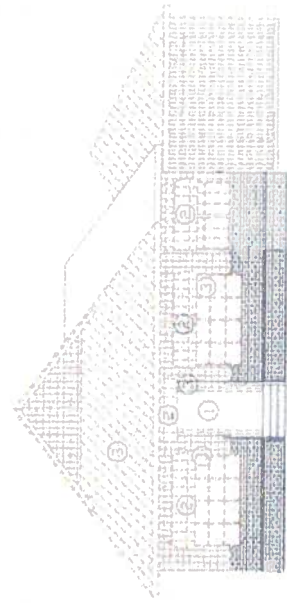
GENERAL NOTES

1. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION START.
2. CONTRACTOR SHALL JOB-VERIFY NOTED DIMENSIONS. DIMENSIONS ARE ESTIMATED AND MAY OR MAY NOT BE ACCURATE.
3. ALL WINDOWS AND DOORS TO BE REPLACED PER OWNER. CONTRACTOR SHALL VERIFY DOOR AND WINDOW LOCATIONS BEFORE CONSTRUCTION START. WINDOW SIZE AND LOCATION DEPICTED IN DRAWINGS MAY OR MAY NOT BE ACCURATE.
4. ALL EXISTING SIDING SHALL BE REPLACED PER OWNER.
5. ALL EXISTING ROOTINGS SHALL BE REPLACED WITH 30 YEAR SHRIGLES (REF A1.5 FOR ROOF PLAN)

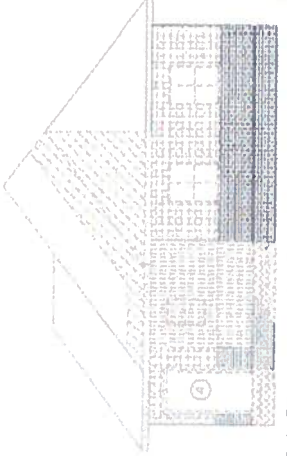
NOTES INDICATED BY "O":

1. NEW FRONT ENTRY DOOR PER OWNER. WIDTH SHALL BE 36" WIDE. (REF DOOR AND WINDOW SCHEDULE)
2. AWNING TO BE DEMOLISHED
3. NEW ELEVATION AT FRONT ENTRANCE (REF A2.2). NEW ROOF AT FRONT ENTRANCE. ROOF SLOPE TO MATCH EXISTING (REF A1.5). CONTRACTOR SHALL COORDINATE WITH OWNER ON HIGH WINDOWS FOR FRONT ELEVATION.
4. DOOR AND CONCRETE STEPS TO BE REMOVED. FULL 1/4" WALL TO MATCH EXISTING (REF A1.4).

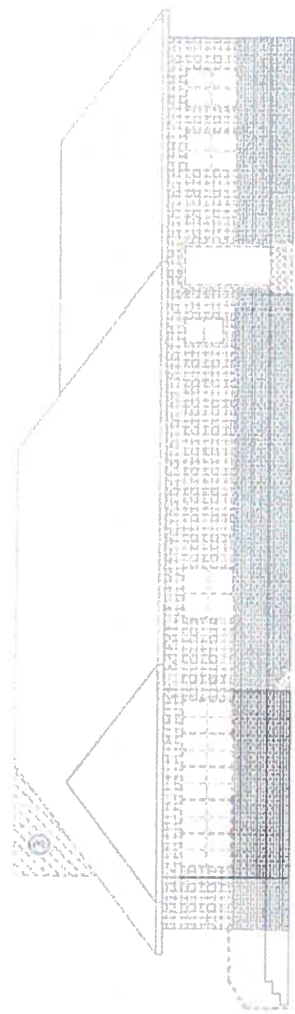
SYMBOLS	
	DEMOLITION
	FOUNDATION REPAIR - REF. STRUCTURAL
	SIDING DEMOLITION / EXTERIOR WALL TO 10' HIGH
	EXTERIOR WALL DEMOLITION
	ROOF / ROOF FRAMING DEMOLITION
	CONCRETE DEMOLITION



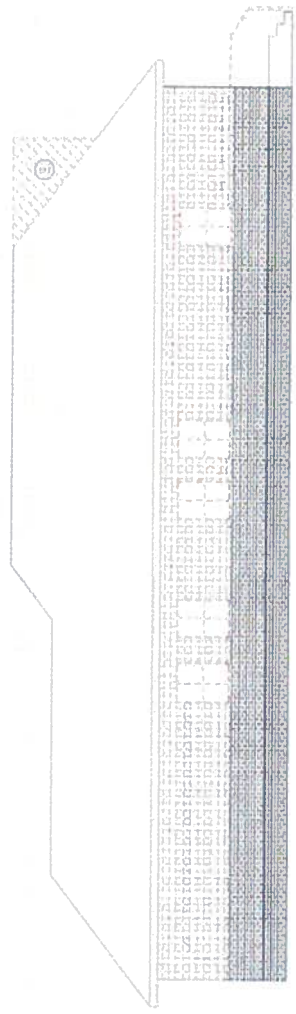
2 BACK ELEVATION
SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 BACK ELEVATION
SCALE: 1/4" = 1'-0"
RIGHT



2 BACK ELEVATION
SCALE: 1/4" = 1'-0"
LEFT

Proposed demolition plan.

GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION START.
2. CONTRACTOR SHALL JOB VERIFY NOTED DIMENSIONS. DIMENSIONS ARE ESTIMATED AND MAY OR MAY NOT BE ACCURATE.
3. ALL WINDOWS AND DOORS TO BE REPLACED PER OWNER.
4. DEMO ALL WINDOW UNITS AND REPLACE WITH CENTRAL HVAC SYSTEM
5. ALL FLOORING TO BE DEMO AND REPLACED PER OWNER (REF A1.4)
6. ALL EXISTING ROOFING SHALL BE REPLACED WITH 30 YEAR SHINGLES (REF A1.5 FOR ROOF PLAN)

NOTES INDICATED BY "O":

1. PIER AND BEAM FOUNDATION TO BE REPAIRED. (REF STRUCTURAL)
2. WASHER AND DRYER TO BE RELOCATED. (REF A1.4)
3. REFRIGERATOR TO BE RELOCATED PER OWNER
4. EXISTING HOT WATER HEATER TO BE DEMO AND REPLACED WITH TANKLESS WATER HEATER PER OWNER. (REF A1.4) (REF P1.1)
5. ALL PLUMBING FIXTURES IN BATH 1 (EXISTING BATHROOM) SHALL BE REPLACED PER OWNER.
6. EXISTING ENTRY DOOR TO BE REPLACED. FRONT ENTRY SHALL BE WIDENED TO 38 INCHES. (REF 422 / DOOR AND WINDOW SCHEDULE)
7. DELETE ATTIC FAN

SYMBOLS

	DEMOLITION
	FOUNDATION REPAIR - REF STRUCTURAL
	SIDING DEMOLITION
	SIDING REMOVAL
	EXTERIOR WALL DEMOLITION
	ROOF / ROOF FRAMING DEMOLITION
	CONCRETE DEMOLITION



ROOF PLAN



FLOOR PLAN

FLOOR / ROOF PLAN DEMOLITION

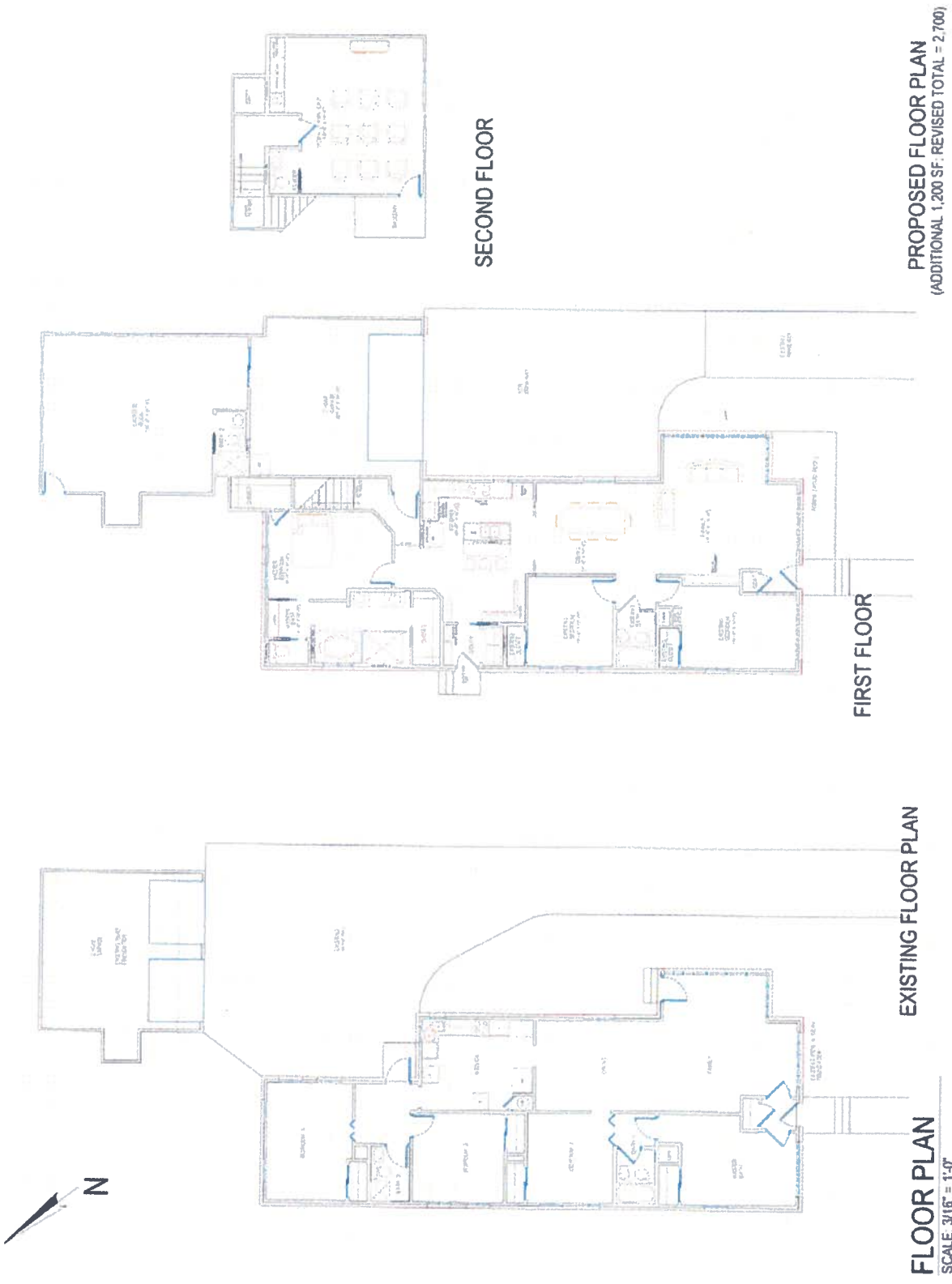
SCALE: 3/16" = 1'-0"

Proposed demolition plan.

CA178-487(MP)

D11-15

000024



Existing and proposed floor plan.



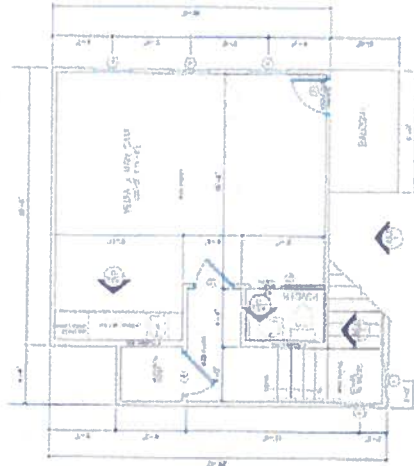
GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION START.
2. CONTRACTOR SHALL JOB-CHECK/VERIFY NOTED DIMENSIONS. DIMENSIONS ARE ESTIMATED AND MAY OR MAY NOT BE ACCURATE.
3. FINISHED FLOOR WILL BE A MINIMUM 12" ABOVE THE NEAREST SANITARY SEWER MANHOLE RIM.
4. ALL WINDOWS AND DOORS TO BE REPLACED PER OWNER. CONTRACTOR SHALL VERIFY DOOR AND WINDOW LOCATIONS BEFORE CONSTRUCTION START. WINDOW SIZE AND LOCATION DEPICTED IN DRAWINGS MAY OR MAY NOT BE ACCURATE.
5. EXISTING FLOORING SHALL BE REPLACED PER OWNER.

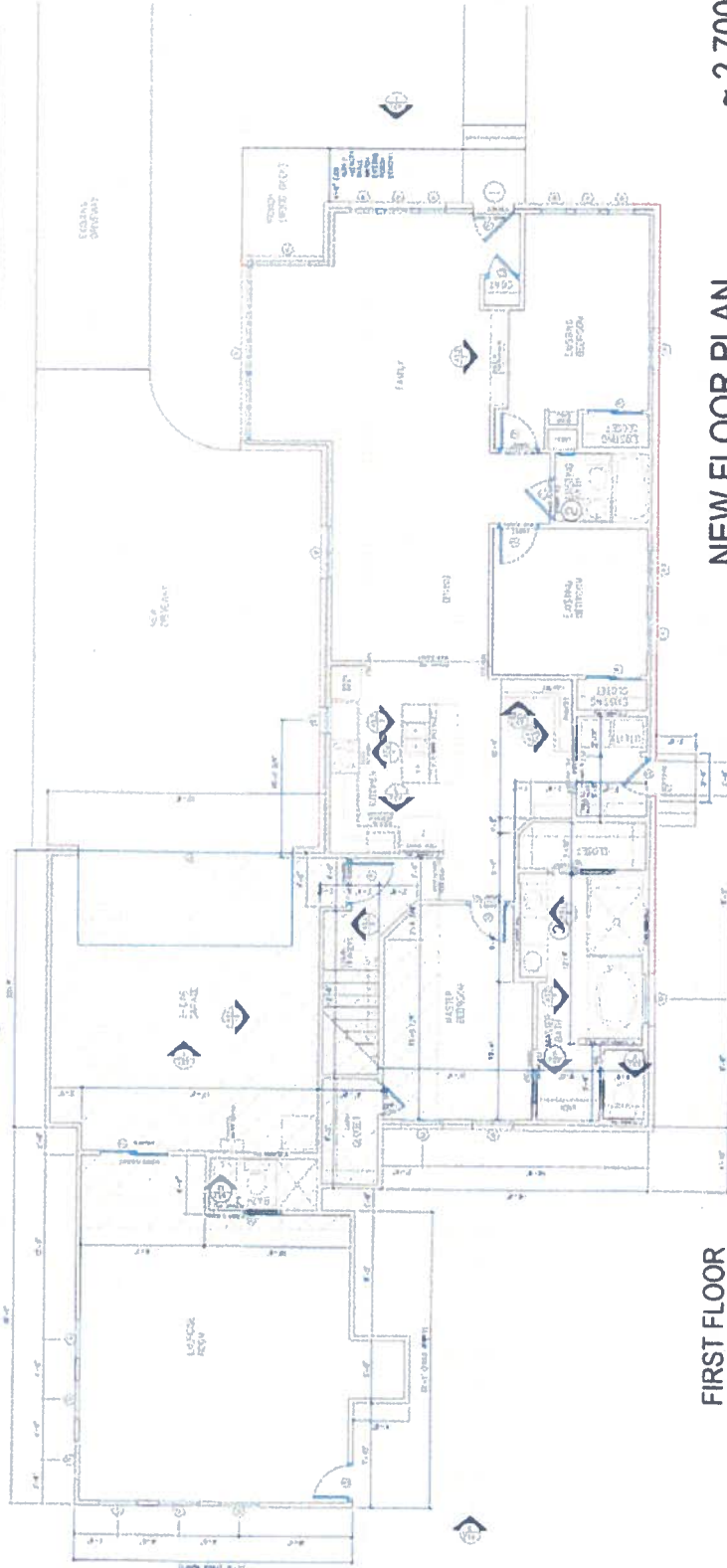
NOTES INDICATED BY 101:

1. NEW ELEVATION AT FRONT ENTRANCE (REF A2.2), NEW ROOF AT FRONT ENTRANCE. ROOF SLOPE TO MATCH EXISTING (REF A1.5). CONTRACTOR SHALL COORDINATE WITH OWNER ON NEW WINDOWS FOR FRONT ELEVATION.
2. NEW PLUMBING FIXTURES IN EXISTING BATH SHALL BE REPLACED.
3. HEATED FLOORS IN MASTER BATH.

SYMBOLS



SECOND FLOOR



FIRST FLOOR

NEW FLOOR PLAN

~ 2,700 SF

0.010 1:16 11.00

Proposed floor plan.

CA178-487(MP)

D11-17

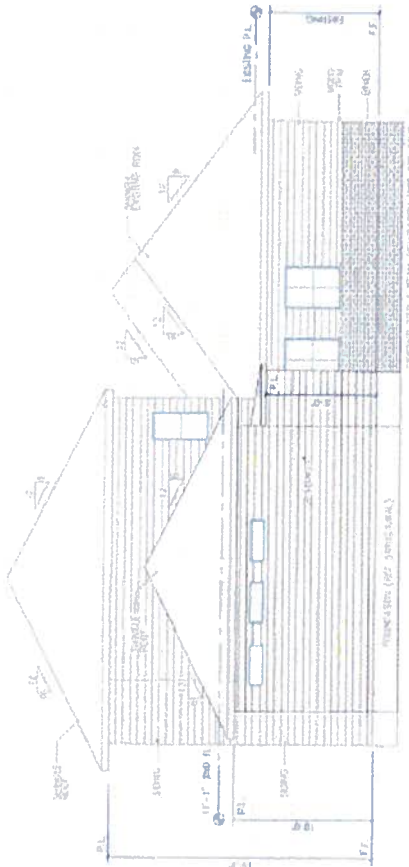
000026

GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION START.
2. CONTRACTOR SHALL VERIFY NOTED DIMENSIONS ARE ESTIMATED AND MAY OR MAY NOT BE ACCURATE.
3. ALL WINDOWS AND DOORS TO BE REPLACED PER OWNER. CONTRACTOR SHALL VERIFY EXISTING COOR AND WINDOW LOCATIONS BEFORE CONSTRUCTION START. WINDOW SIZE AND LOCATION DERIVED IN DRAWINGS MAY OR MAY NOT BE ACCURATE.
4. ALL EXISTING SIDING SHALL BE REPLACED PER OWNER.
5. ALL EXISTING ROOFING SHALL BE REPLACED WITH 30 YEAR SHINGLES (REF. ALS FOR ROOF PLAN)
6. PORCHES AND BALCONIES SHALL HAVE GUARD RAILS NOT LESS THAN 36" IN HEIGHT.
7. INTERMEDIATE RAIL SPACING SHALL NOT BE GREATER THAN 4".

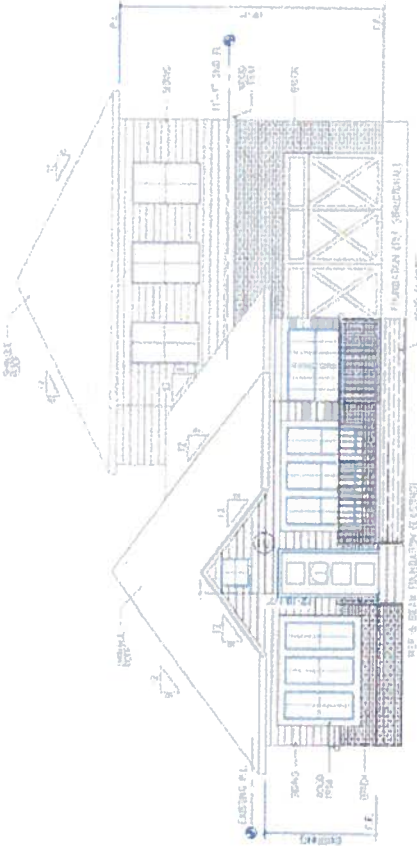
NOTES INDICATED BY "O":

1. NEW FRONT ENTRY DOOR PER OWNER. WIDTH SHALL BE 36" WIDE.
2. NEW ELEVATION AT FRONT ENTRANCE. NEW ROOF AT FRONT ENTRANCE ROOF SLOPE TO MATCH EXISTING (REF. ALS FOR ROOF PLAN). CONTRACTOR SHALL COORDINATE WITH OWNER ON NEW WINDOWS FOR FRONT ELEVATION.



2 BACK ELEVATION

SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION

SCALE: 1/4" = 1'-0"

Proposed front and rear elevations.

1/18/18

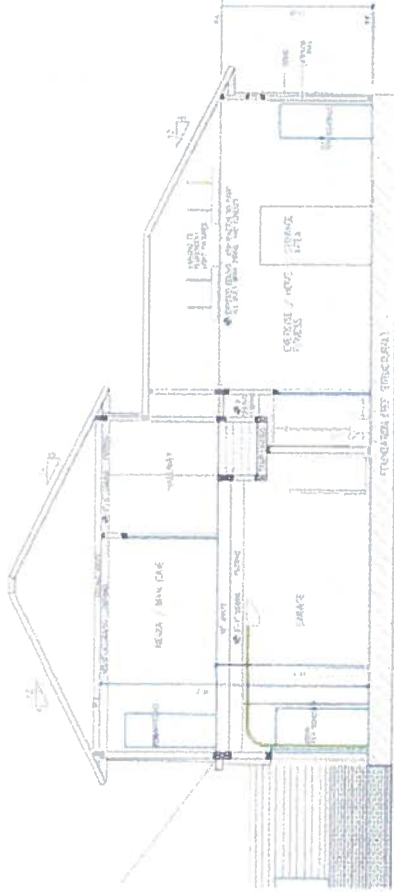
GENERAL NOTES

1. 2" X 4" EXTERIOR WALLS
2. R-13 INSULATION IN WALLS
3. R-30 INSULATION IN ATTIC

GAIRD RAILS

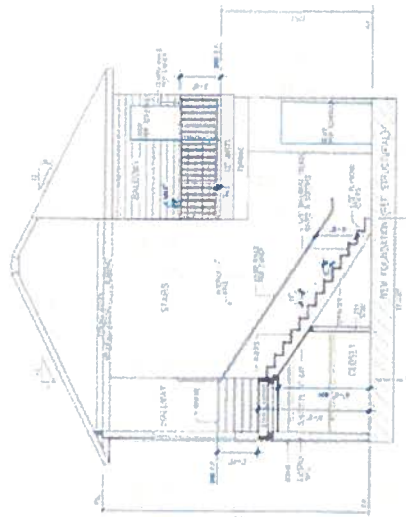
FLOOR SURFACES MORE THAN 30" ABOVE GRADE SHALL HAVE GAIRD RAILS NOT LESS THAN 36" IN HEIGHT

INTERMEDIATE RAIL SPACINGS SHALL NOT BE GREATER THAN 4"



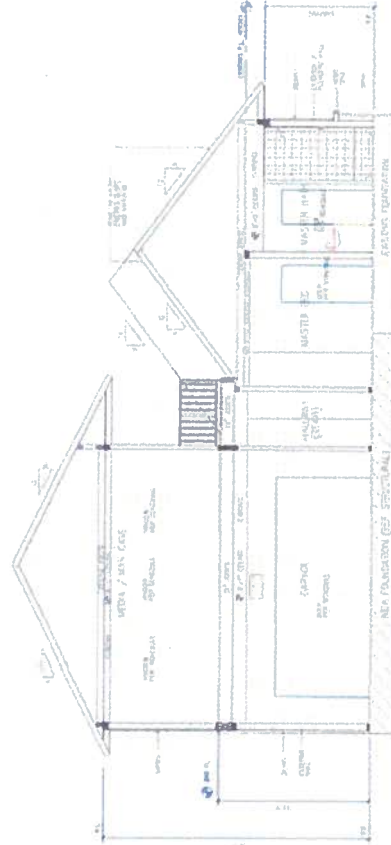
3 SECTION @ GARAGE & EXERCISE

SCALE: 1/4" = 1'-0"



2 SECTION @ STAIR

SCALE: 1/4" = 1'-0"



1 SECTION @ GARAGE & MASTER

SCALE: 1/4" = 1'-0"

Sectional views of proposed addition.

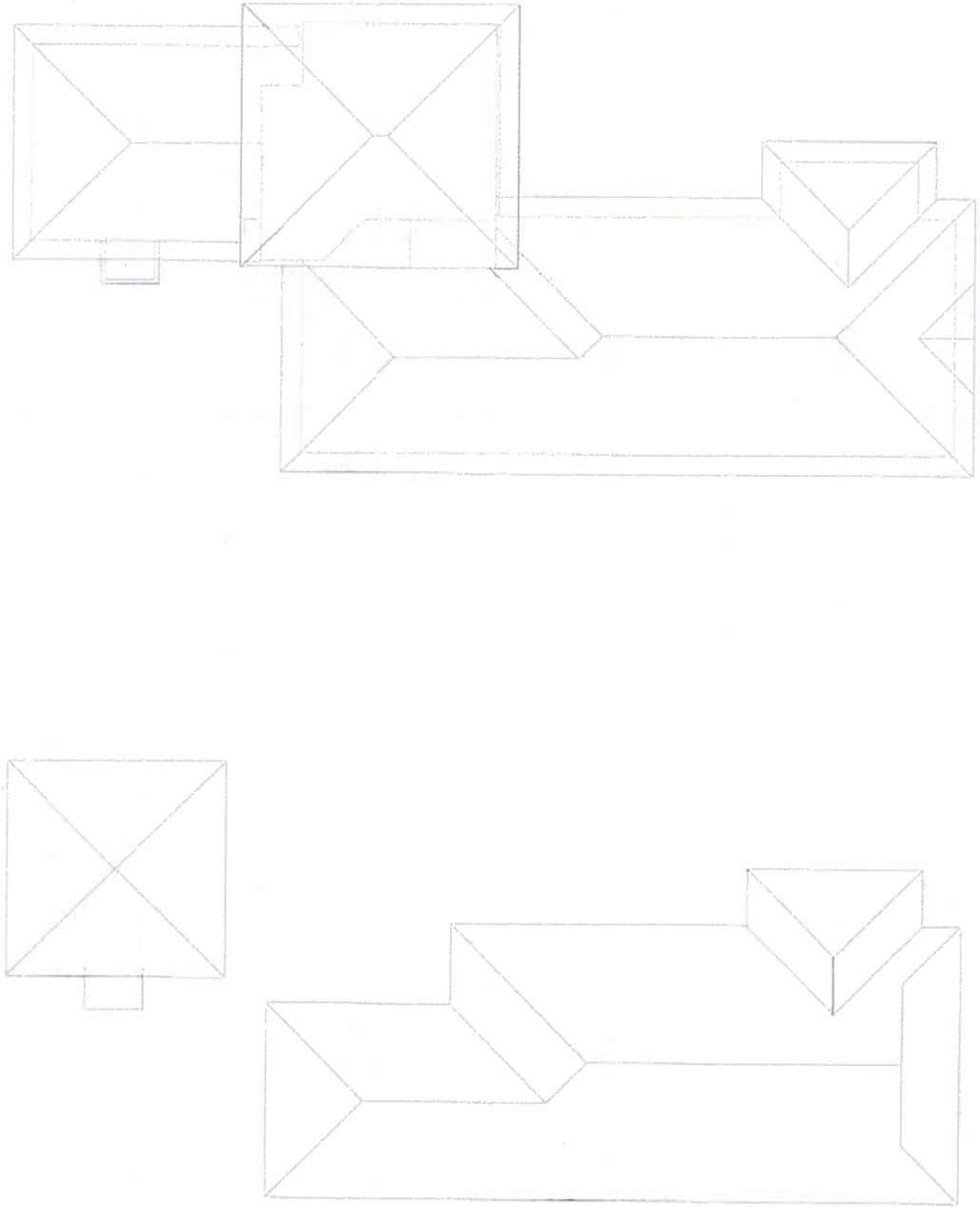


Existing and proposed roof plan.

CA178-487(MP)

D11-21

000030

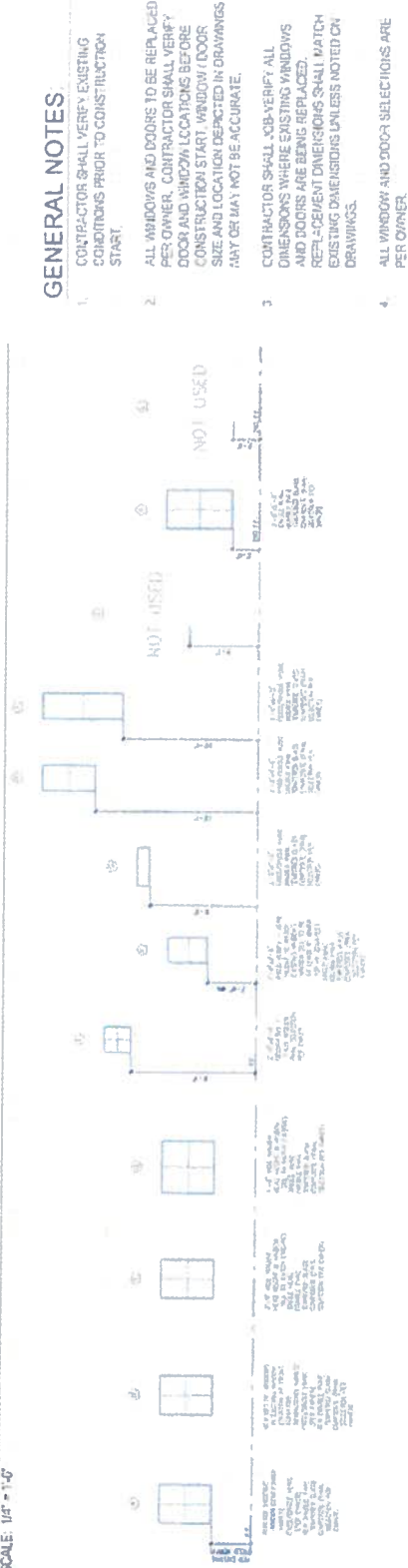


EXISTING ROOF PLAN

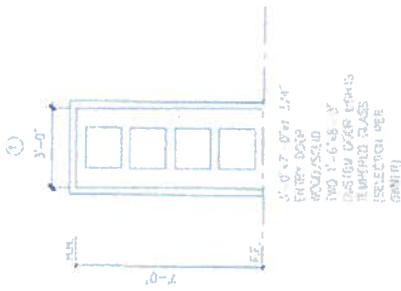
PROPOSED ROOF PLAN
(ADDITIONAL 1,200 SF; REVISED TOTAL = 2,700)

ROOF PLAN
SCALE: 3/16" = 1'-0"

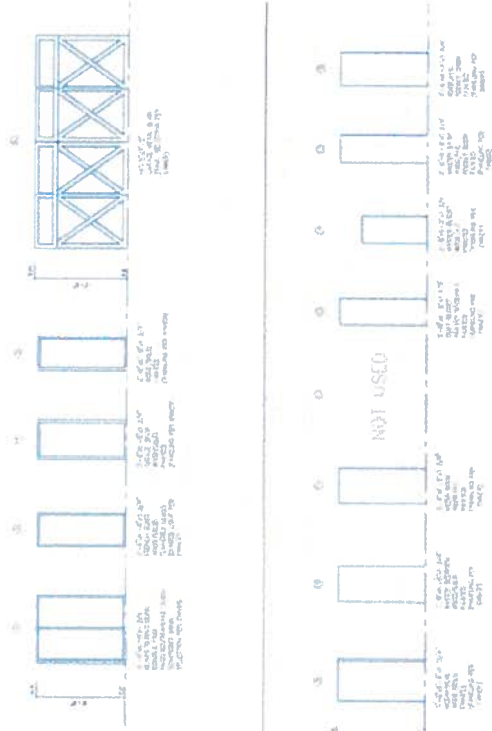
WINDOWS
SCALE: 1/4" = 1'-0"



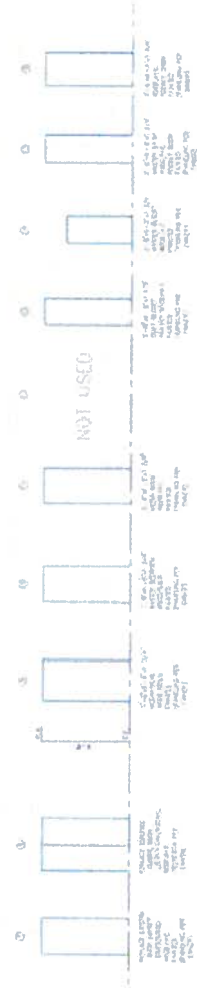
MAIN ENTRY DOOR
SCALE: 1/2" = 1'-0"



EXTERIOR DOORS
SCALE: 1/4" = 1'-0"



INTERIOR DOORS
SCALE: 1/4" = 1'-0"



Proposed window and door schedule.

EXTERIOR SPECIFICATIONS: GHAAZEE RESIDENCE

- **Roof**
 - 30yr.-composition shingles; new roof to match existing
- **Windows:**
 - Anderson 100 Series - Fibrex® Composite - Interior & Exterior
 - Single Hung – Low E Glass
 - Picture – Low E Glass
- **Front Entry Door**
 - 6'-8" x 4'-0" Wood Door – Behr Broadway (PPU18-20) – Black
 - Saginaw Surplus: 6-Lite Craftsman Mahogany Pre-hung Wood Door Unit #43
 - Door Hardware: Baldwin – Spyglass Handle Set – Satin Nickel
- **Garage Door**
 - Gallery Collection (DIY) – Door Model: GR1SP 7' x 16' Black
- **Siding**
 - Hardie Plank Lap Siding – Light Mist (Siding will be light gray, Behr Tin Foil (N500-3))
- **Brick**
 - All brick painted a darker gray, Behr Shadow Mountain (PPU24-22)
- **Fence & Gate**
 - Board on Board with horizontal top trim
 - Gates: Drive Gate – Rot Iron; Walking Gate – Rot iron

List of specifications for some of the requested items.

PHOTOS OF NEWLY RENOVATED, OR RECENTLY BUILT HOMES IN THE NEIGHBORHOOD



These Homes are located in the coldasac on Lenway Street around the corner from 3614 Meadow Street.

Request #1 – Examples of new construction on Lenway Street near 3614 Meadow. Images provided by applicant. Note: these houses are adjacent to, but *not* in the Wheatley Place historic district.

PHOTOS OF NEWLY RENOVATED, OR RECENTLY BUILT HOMES IN THE NEIGHBORHOOD



These Homes are at the corner of Meadow Street and Lenway Street, located a block from 3614 Meadow Street.



This Homes is located at 3220 Meadow Street and Lenway Street, two blocks from 3614 Meadow Street.



This Homes is located at 3620 Meadow Street, next door. This picture also shows to recently built residences.

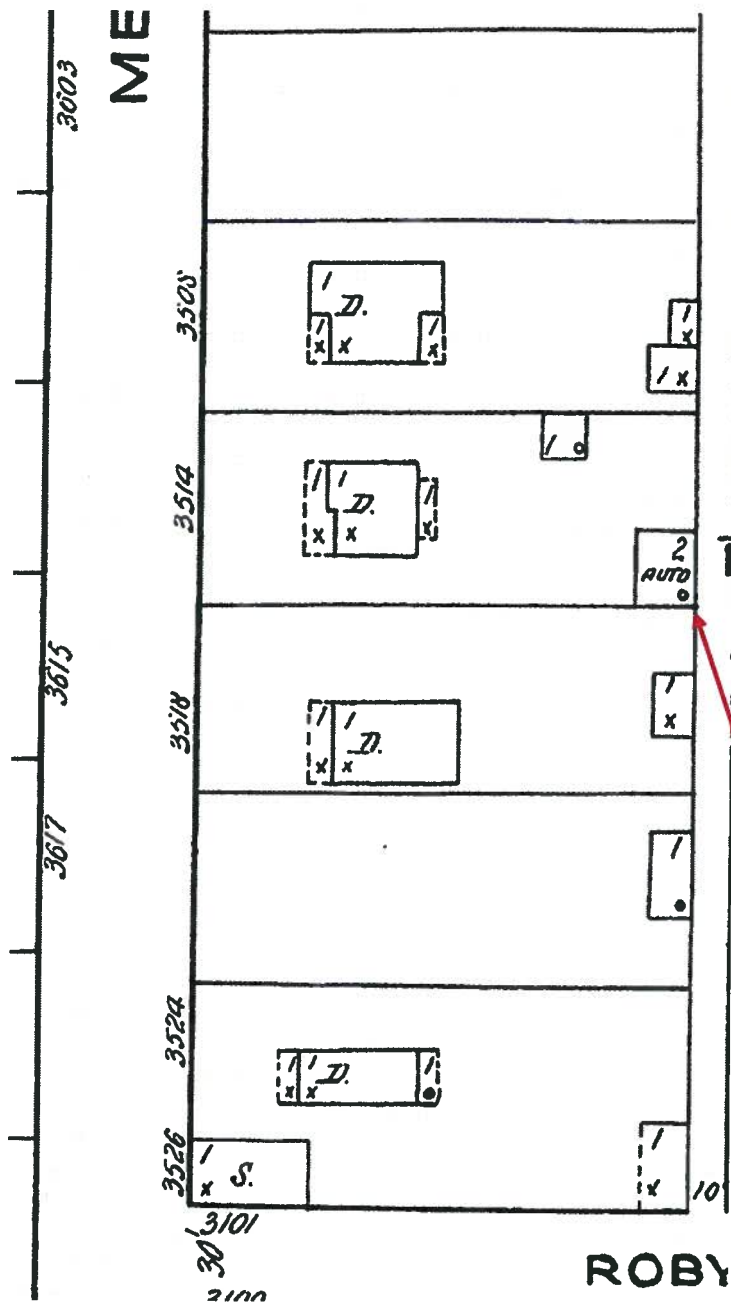
Request #1 – Examples of new construction at corner of Lenway and Meadow streets and on Meadow Street. Images provided by applicant. Note: the top four photos are of houses adjacent to, but *not* in the Wheatley Place historic district.

PHOTOS OF NEWLY RENOVATED, OR RECENTLY BUILT HOMES IN THE NEIGHBORHOOD

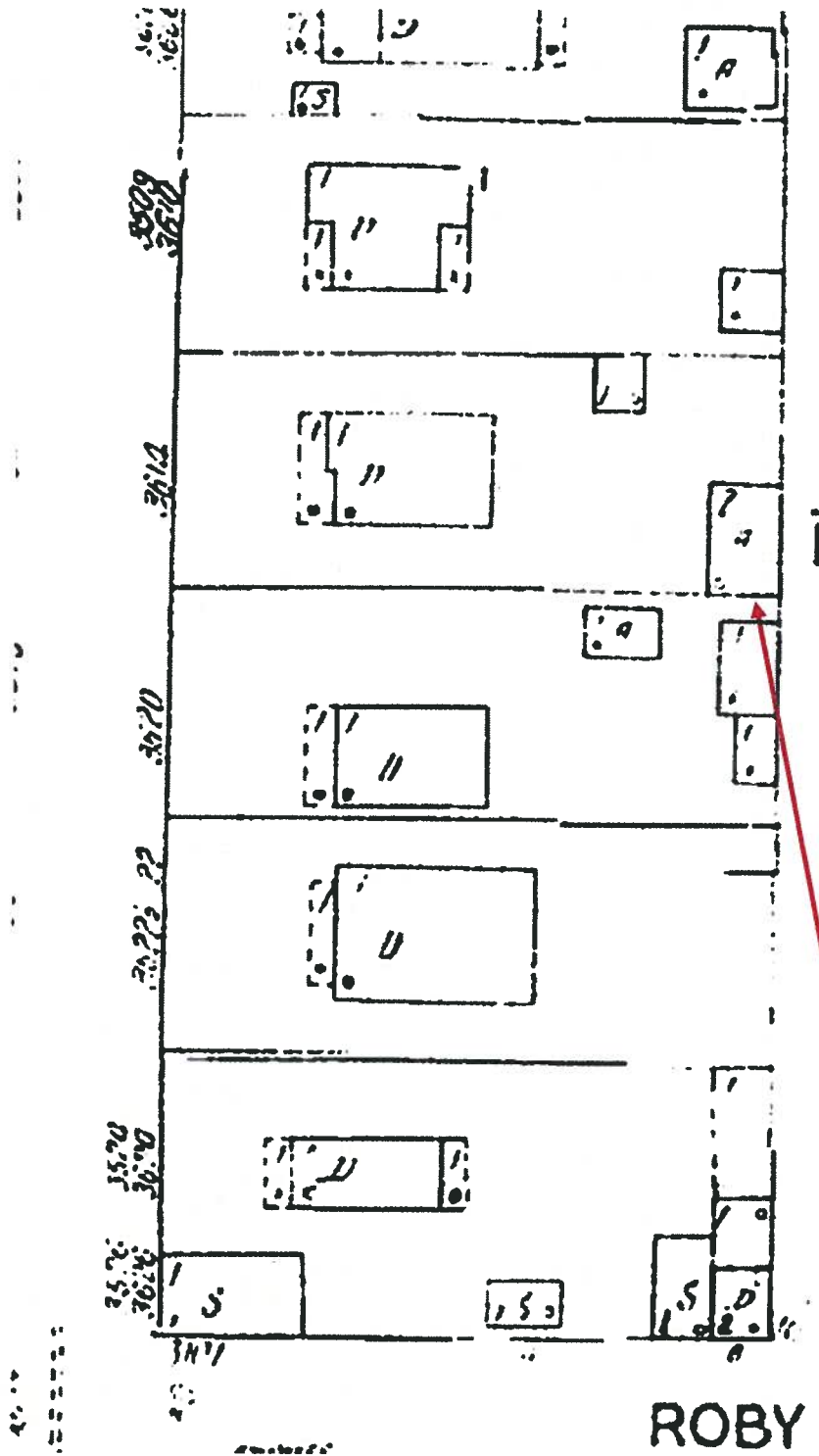


This Homes is located at 3615 Meadow Street, across the street.

Request #1 – Example of renovated home at 3615 Meadow. Image provided by applicant. Note: this house is a non-contributing structure in the Wheatley Place historic district.



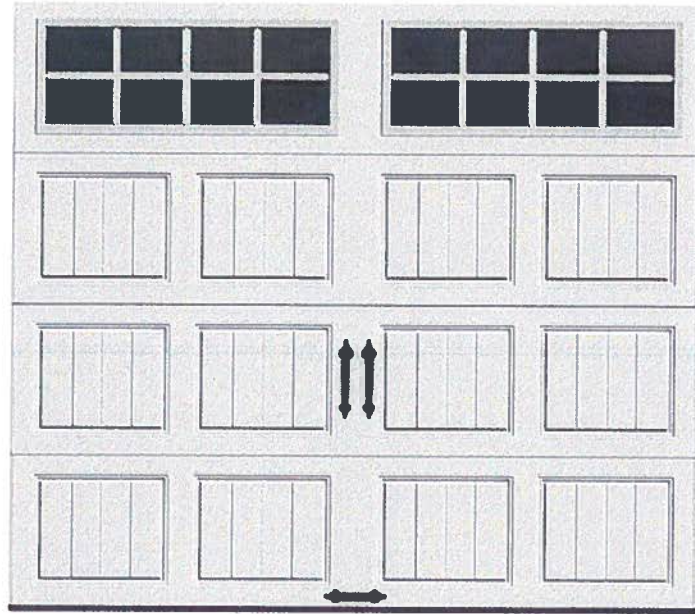
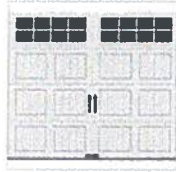
Request #1 – 1922 Sanborn map showing accessory structure to be two stories. Note: Sanborn map has block number mislabeled, but this is the footprint for 3614 Meadow.



Request #1 – 1951 Sanborn map showing accessory structure to be two stories. Note: Sanborn map now has correct block number.

Model # GR1SP_SW_SQ24

Internet #204598477



Request #1 – Garage door proposed for new addition.



Request #4 – Photo of current front windows.



Request #4 – Photo of current front window.



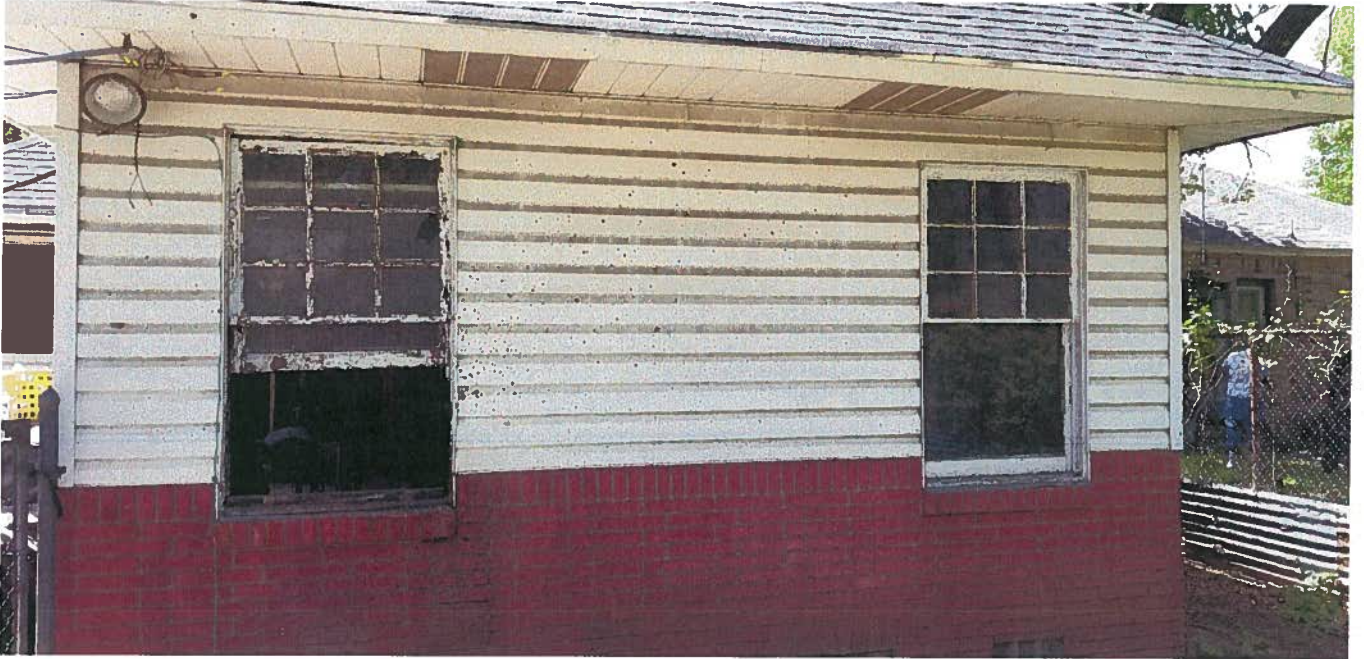
Request #4 – Photo of current vinyl windows on side elevation.



Request #4 – Photo of current vinyl windows on side elevation.



Request #4 – Photo of vinyl windows on side elevation.



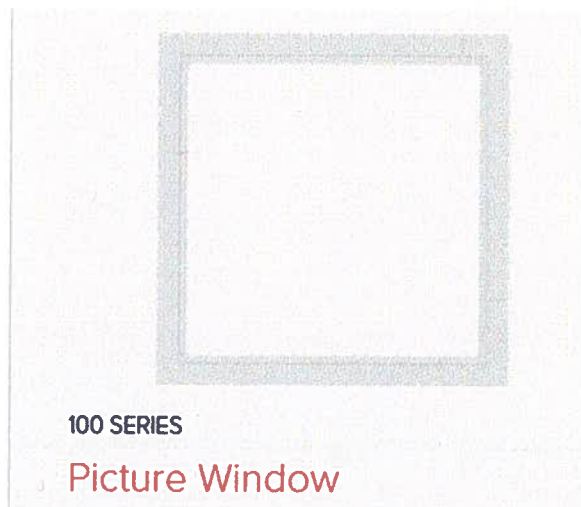
Request #4 – Photo of wood windows on rear elevation (this was an addition).



Request #4 – Close up of wood window on rear elevation.



Request #4 – Close up of wood window on rear elevation.



Request #4 – Proposed replacement windows.

What Is Fibrex® Material?

- A blend of 40 percent wood fiber by weight, mostly reclaimed from Andersen manufacturing processes, with 60 percent thermoplastic polymer by weight, some of which is also reclaimed.

Request #4 – Description of material for proposed replacement windows.



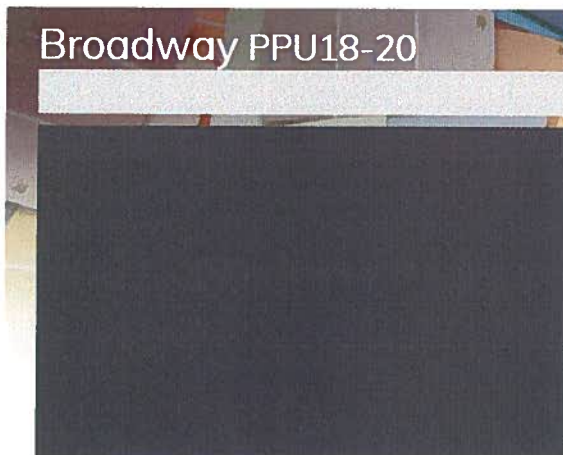
**6-Lite Craftsman Mahogany
Prehung Wood Door Unit #43**

Request #6 – Proposed front door.

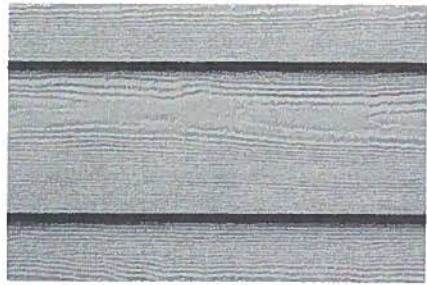
Baldwin Spyglass handleset satin nickel



Request #6 – Proposed front door hardware.



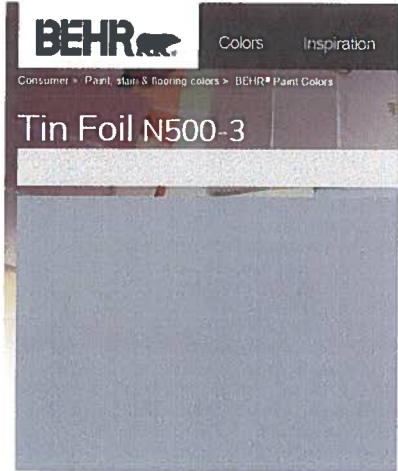
Request #6 – Proposed paint color for front door.



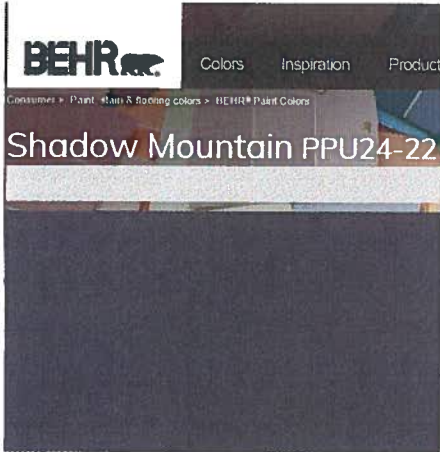
LIGHT MIST

Main Exterior

Request #7 – Proposed Hardie board for siding.



Request #7 – Proposed paint for siding.



Request #8 – Proposed paint for brick.



Landmark Commission
City of Dallas
1500 Marilla St.
Dallas, Texas 75201
Phone: (214)-670-5111
webgroupSP@dallascityhall.com
www.dallascityhall.com

April 05, 2018

REF: Wheatley Place Ordinance No. 24432
Address: 3614 Meadow Street 75215
Home Remodel and Addition

Sir / Madam

This letter is in reference to a proposed home remodel and new square foot addition at the above address, located within the Wheatley Place Neighborhood.

We first want to thank you for your continued effort in preserving the historical attributes, while also focusing on the beautification of the Wheatley Place Neighborhood!

After review of Ordinance No. 24432, it is our belief that the attached Certificate of Appropriateness concerning the remodel at 3614 Meadow Street will add value and enhance the historical characteristics of the Wheatley Place Neighborhood.

3614 Meadow Street has been in the Harden Family since the 1950s. The current owners, David and Trelia Ghaazee are the grandson and granddaughter of the late Clifton Harden Sr. There have been multiple renovations throughout the years prior to Wheatley Place becoming an Historical District. Some of the renovations include: an addition to the back of the home which consisted of a large bedroom and bathroom; the original two-car garage was two-story with living quarters above; a was originally a front porch, but it was removed, and a covered porch was added to the side of the home, which has since been converted to additional living room space. The exterior facade has also been changed a couple times: aluminum siding was added in the 1970s, and most of the windows were changed in the 1990s, however, it is believed that the front windows have been in place since the 1960s.

Letter to Landmark Commission from architect.

CA178-487(MP)

D11-39

000048

Our proposed remodel will bring the porch back to the front of the home, change all the windows, change the front door, replace the 1970s aluminum siding, add an attached garage with media room above. The addition will be compatible with the existing structure and will be added only to the old addition of the bedroom and bathroom at the rear of the home. The new addition will not impact the historical integrity of the original building of 1915.

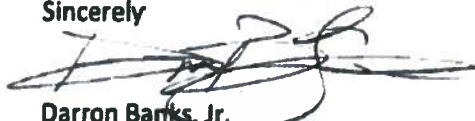
There are a few details in the drawings that slightly deviate from Ordinance No. 24432:

- **4.1a. Protected Facades:** We propose to add a door to the left side of the home, to access the backyard. The existing door to the backyard will be removed because of the new addition. The door to the backyard that's being removed is not part of the original building.
- **4.1e. Brick:** Painting the brick, we feel, is necessary for aesthetics, since much of the existing brick does not completely match, due to the previous renovations and additions of the past, along with the planned new addition.
- **4.3. Siding:** Currently, the siding on the existing structure is aluminum. We propose fiber cement siding (Hardie Plank).
- **5.7. Openings:** We propose to add a door to the left side of the home, to access the backyard. The new door opening will not impact the front elevation.
- **9.8. Height of New Construction:** The proposed addition does add two stories to the home and exceeds the height of the historic structure. However, the new addition will be compatible with the historic structure. Also, many of the homes in the neighborhood are two-story, some of which are additions to the original structure. We believe the two-story addition does not take away from the historical attributes of the front elevation. We believe it will be enhanced.

Thank you for your time and consideration!

If there are any questions, concerns, and/or clarifications, please contact me at (214) 254-8383 or dbanks@intuitive-approach.com.

Sincerely



Darron Banks, Jr.
Intuitive Approach, LLC

Letter to Landmark Commission from architect.

PRESERVATION CRITERIA CITED FOR STAFF RECOMMENDATION

Request #1 –

9. New Construction and Additions

- 9.8 The height of new construction and additions must not exceed the height of the historic structure.

Request #2 –

4.0 Facades

4.1 Protected Facades

- (b) Reconstruction, renovation, repair or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.

Request # 3 –

6. Roofs

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.

Request #4 –

5.0 Windows and Doors

- 5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and materials to match the historic. Wood windows should be retained and repaired. Replacement windows should be wood. If wood windows are economically impossible, the Landmark Commission may consider other appropriate materials.

Request #5 –

There is no specific criteria for this structure in the Wheatley Place preservation criteria, so Staff is using the general standard for approval located in the Dallas Development Code.

City Code Section 51A-4.501(g)(6)(C)(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 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.

Request #6 –

5.0 Windows and Doors

- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.

Request #7 –

4.0 Facades

- 4.3 Wood siding, trim, and detailing must be restored whenever practical. If wood siding is economically impossible, the Landmark Commission may consider other appropriate materials.

Request #8 –

4.0 Facades

4.1 Protected facades

- 4.1(e) Brick, cast stone and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.

Request #9 –

- 3.3 New driveways (full or ribbon strip), sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted. Materials not normally permitted may be used on sidewalks, steps and walkways if necessary for the elderly or handicapped, but only for the period needed.

Request #10 –

3.0 Building Site and Landscaping

3.11 Fence location.

- b. Interior side fences must be located five feet behind the open front porch of an adjacent house. The portion of the interior side fence facing the main street must be at least 70 percent open. Interior side fences may be solid. Chain link fencing is not allowed in interior side yards.

3.12 Unless otherwise noted, fences must not exceed eight feet in height.

3.13 Fences must be constructed of brick, cast stone, wrought iron, stone, wood, or a combination of those materials. Chain link fencing is only allowed in the back yard.

3.14 Tops of fences must be horizontal, stepped or parallel to grade as illustrated in Exhibit C.

TASK FORCE RECOMMENDATION REPORT
WHEATLEY PLACE / TENTH STREET

DATE: 4/10/2018

TIME: 4:00 pm

MEETING PLACE: Dallas City Hall, 1500 Marilla, Conference Room 5BN

Applicant Name: David Ghaazee
 Address: 3614 Meadow (Wheatley Place HD)
 Date of CA/CD Request: 4/5/2018

RECOMMENDATION:

Approve Approve with conditions Deny Deny without prejudice

Recommendation / comments/ basis:

- ① Motion to deny w/o prejudice the 2nd story of contributing structure. Ordinance 9.8 states that additions may not exceed height of contributing structure. (motion: Andrew Wallace) (2nd: Patricia Williams)
- ② Approve porch railing on front of structure. (motion: Andrew Wallace) (2nd: Patricia Williams)
- ③ Motion to approve front facing gable of ~~gable~~ structure. (motion: Patricia Williams) (2nd: Andrew Wallace)
- ④ Motion to approve vinyl all windows (motion: Patricia Williams) (2nd: Jay Taylor) (protest: Andrew Wallace)
- ⑤ Motion to approve movement of door to left deviation (motion: Patricia Williams) (2nd: Jay Taylor)
- ⑥ Motion to approve front door w/ wood door (motion: Patricia Williams) (2nd: Jay Taylor)
- ⑦ Motion to approve aluminum siding replacement w/ Hardie board. (motion: Patricia Williams) (2nd: Jay Taylor) *
- ⑧ Motion to deny w/ condition of alternative color selection (motion: Jay Taylor) (2nd: Patricia Williams)
- ⑨ Motion to approve widening of driveway entrance and addition of drive way in rear of structure (motion: Jay Taylor) (2nd: Patricia Williams)
- ⑩ Motion to approve 8' wood fence w/ iron gate. (motion: Patricia Williams) (2nd: Jay Taylor)

Task force members present

- | | |
|---|--|
| <input type="checkbox"/> Kathleen Lenihan | <input checked="" type="checkbox"/> Jay Taylor |
| <input checked="" type="checkbox"/> Patricia Williams | <input checked="" type="checkbox"/> Andrew Wallace |
| <input checked="" type="checkbox"/> Alonzo Harris | <input type="checkbox"/> |

Ex Officio staff members Present Marsha Prior

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

Maker:
 2nd:
 Task Force members in favor:
 Task Force members opposed:
 Basis for opposition:

CHAIR, Task Force _____ DATE _____

The task force recommendation will be reviewed by the landmark commission in the City Council chamber, Room 5ES, starting at 10:00 with a staff briefing.

The Landmark Commission public hearing begins at 1:00 pm in Room 6EN, the Council Chamber, which allows the applicant and citizens to provide public comment.

* ② votes in favor Williams, Taylor, Harris. Opposed Wallace. - Wood siding is more historically appropriate.

④ votes in favor Williams, Taylor, Harris Opposed Wallace - Vinyl windows are inappropriate. Wooden windows are what was originally there. 2 remaining original windows should remain.

Discussion Item #11: 3614 Meadow



District: Wheatley Place



**DALLAS LANDMARK COMMISSION
CASE #CA178-487(MP)**

May 7, 2018

Request: 1) Construct two-story addition that connects main structure to existing accessory structure; 2) Add porch and railing to front elevation; 3) Add front-facing gable to front elevation; 4) Replace all windows; 5) Add door to left side elevation; 6) Replace front door; 7) Replace aluminum siding with Hardie board; 8) Paint existing brick. Brand: Behr – PPU24-22 “Shadow Mountain”; 9) Expand approach on right side of existing driveway and expand driveway to proposed new structure; 10) Construct 8’ wood fence with iron gates.

Staff Recommendation: 1) Deny without prejudice; 2) Approve; 3) Deny without prejudice; 4) Deny without prejudice; 5) Deny without prejudice; 6) Approve; 7) Deny without prejudice; 8) Deny without prejudice; 9) Approve with conditions; 10) Approve with conditions.

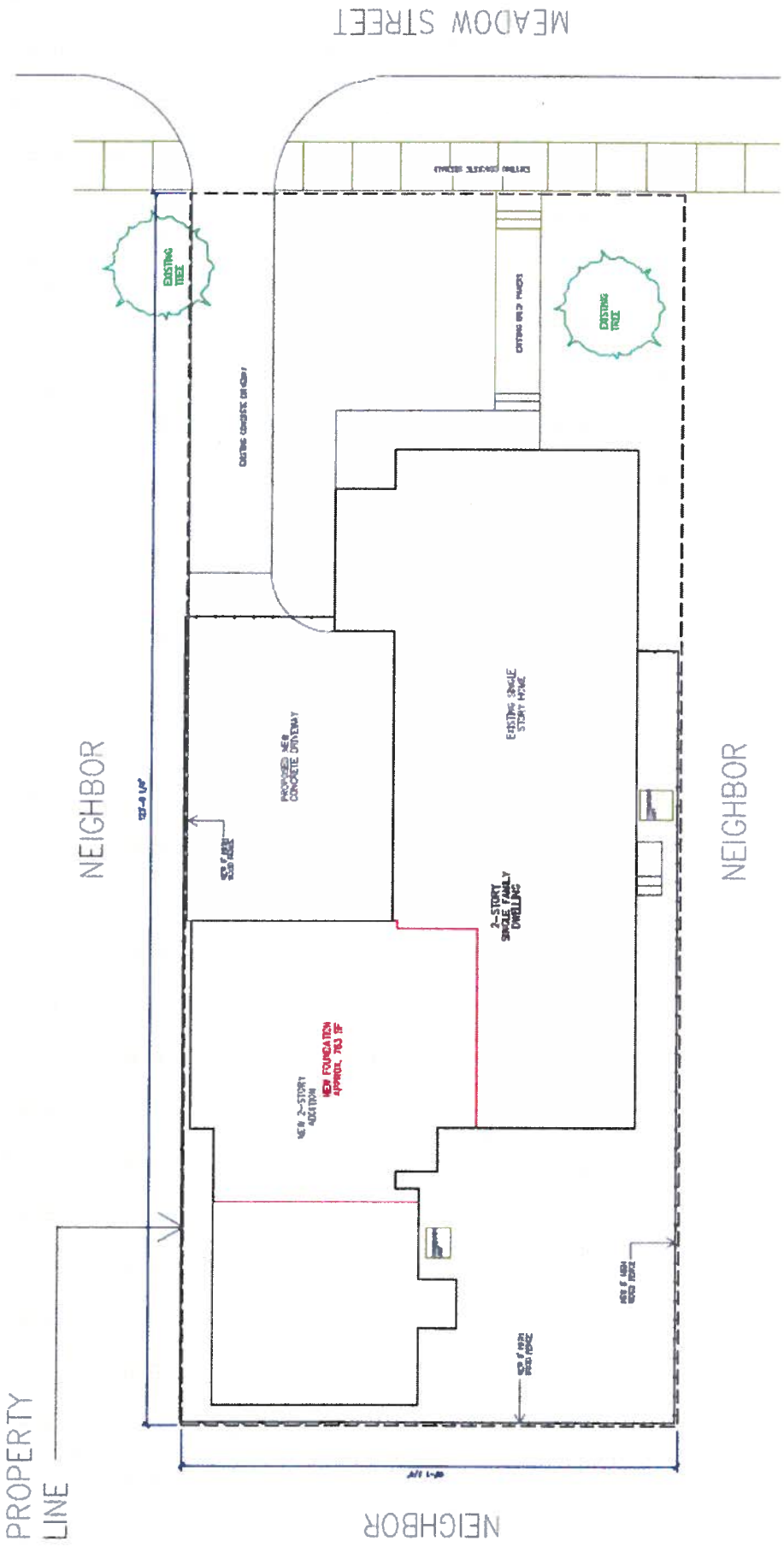
Task Force Recommendation: 1) Deny without prejudice; 2) Approve; 3) Approve; 4) Approve; 5) Approve; 6) Approve; 7) Approve; 8) Approve with conditions; 9) Approve; 10) Approve.

GHAAZEE RESIDENCE: EXISTING PHOTOS



GHAAZEE RESIDENCE: EXISTING PHOTOS





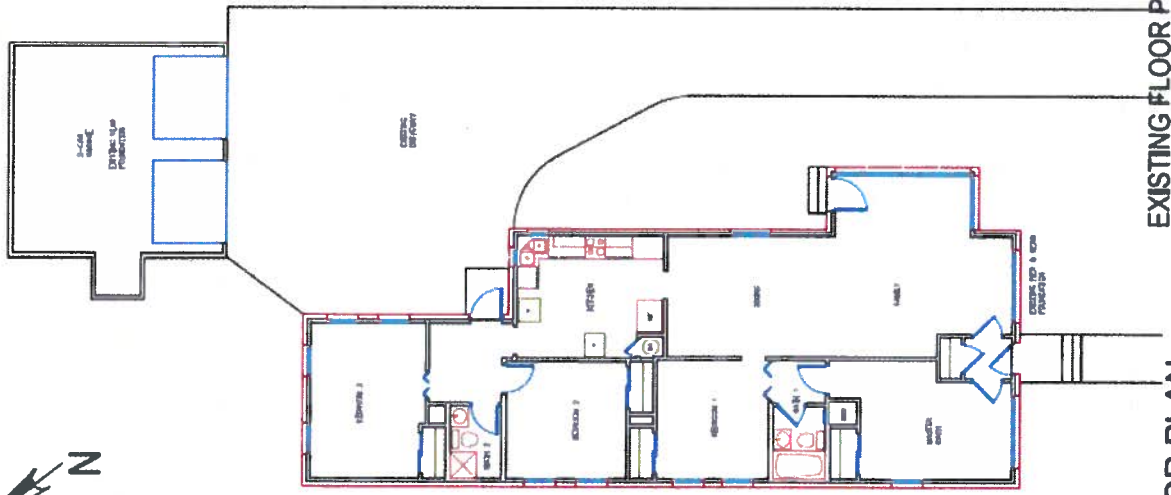
SITE 50'-0" X 125'-0" HOMESITE (6,050SF)

SCALE: 3/16" = 1'-0"

DALLAS LANDMARK COMMISSION
CASE #CA178-487(MP)



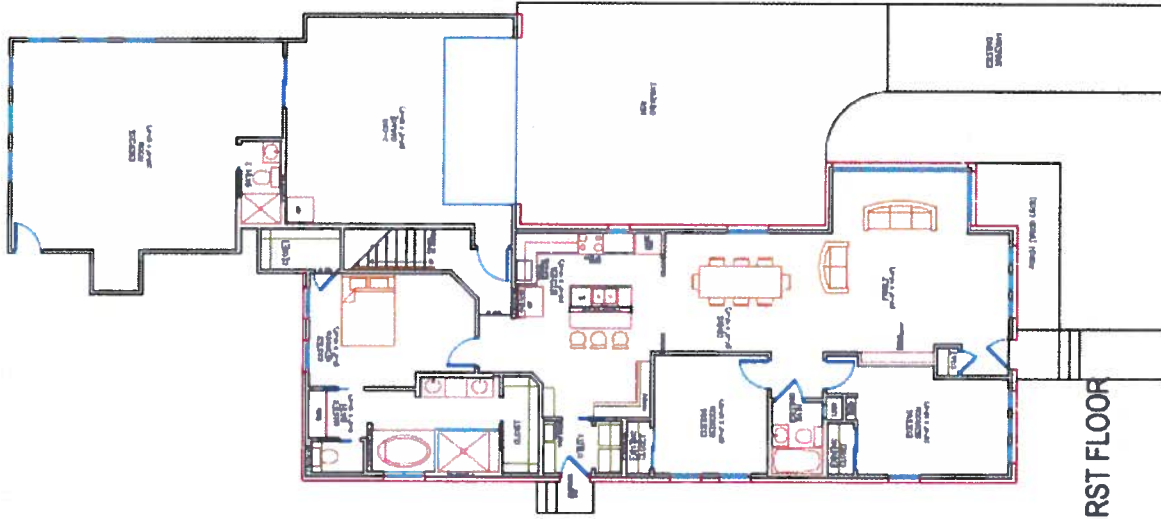
May 7, 2018



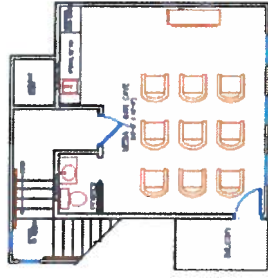
EXISTING FLOOR PLAN

FLOOR PLAN

SCALE: 3/16" = 1'-0"

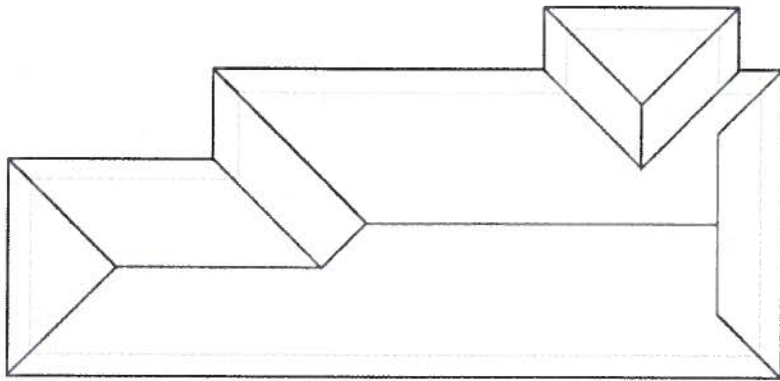
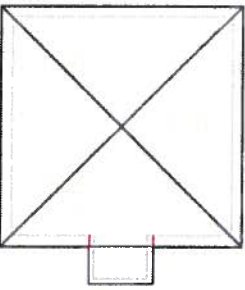


FIRST FLOOR

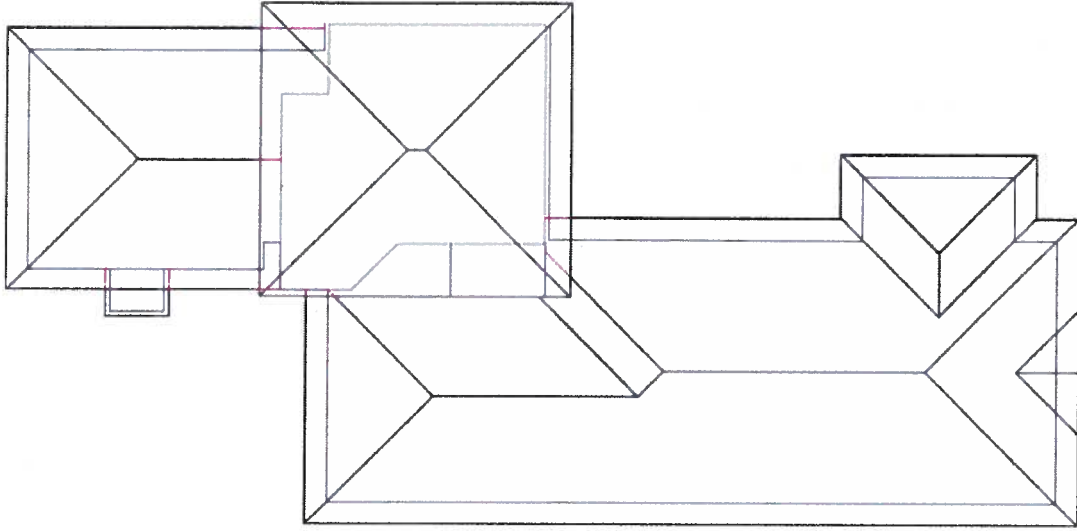


SECOND FLOOR

PROPOSED FLOOR PLAN
(ADDITIONAL 1,200 SF; REVISED TOTAL = 2,700)



EXISTING ROOF PLAN



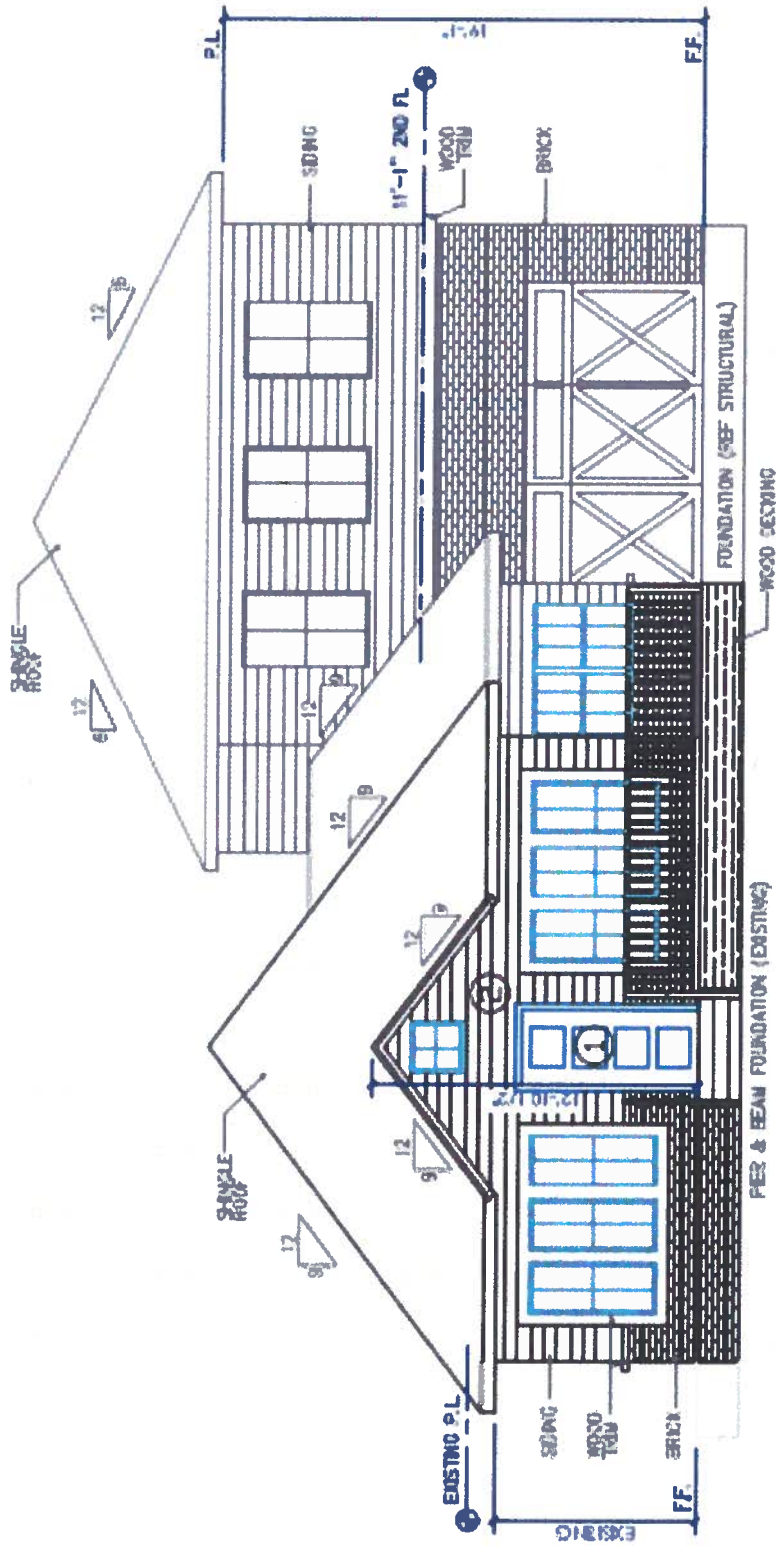
PROPOSED ROOF PLAN
(ADDITIONAL 1,200 SF; REVISED TOTAL = 2,700)

1/4" = 1'

DALLAS LANDMARK COMMISSION
CASE #CA178-487(MP)

May 7, 2018





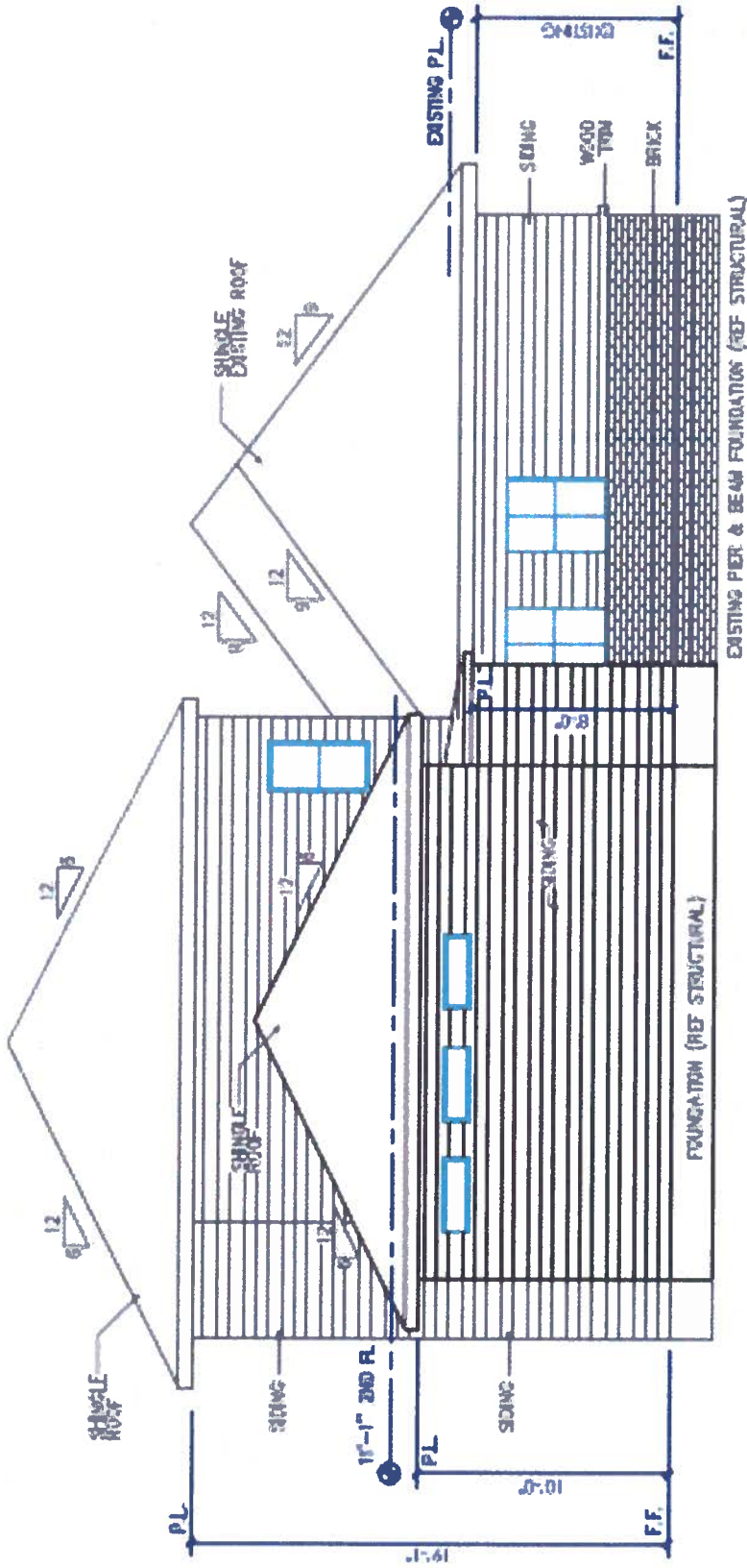
1 FRONT ELEVATION

SCALE: 1/4" = 1'-0"



DALLAS LANDMARK COMMISSION
CASE #CA178-487(MP)

May 7, 2018

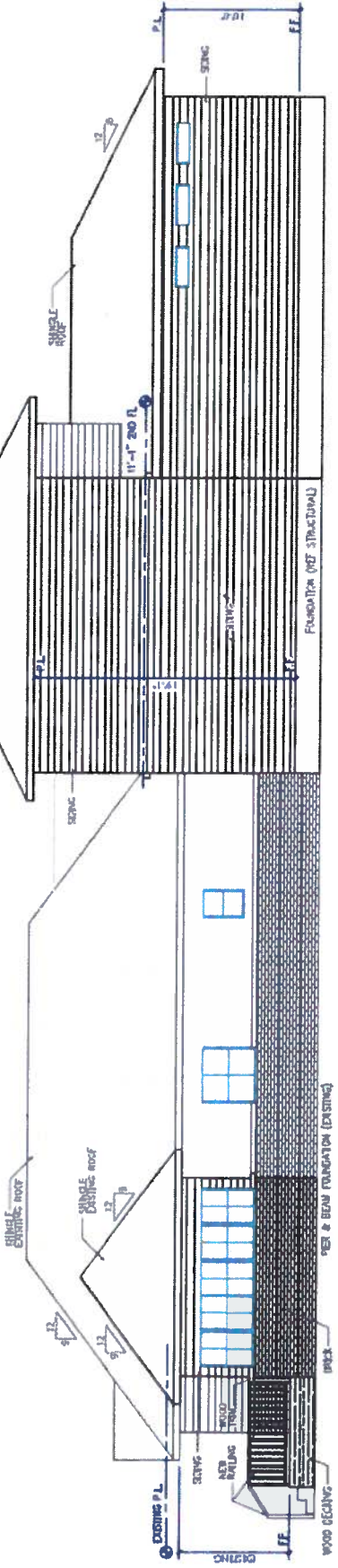


2 BACK ELEVATION

SCALE: 1/4" = 1'-0"

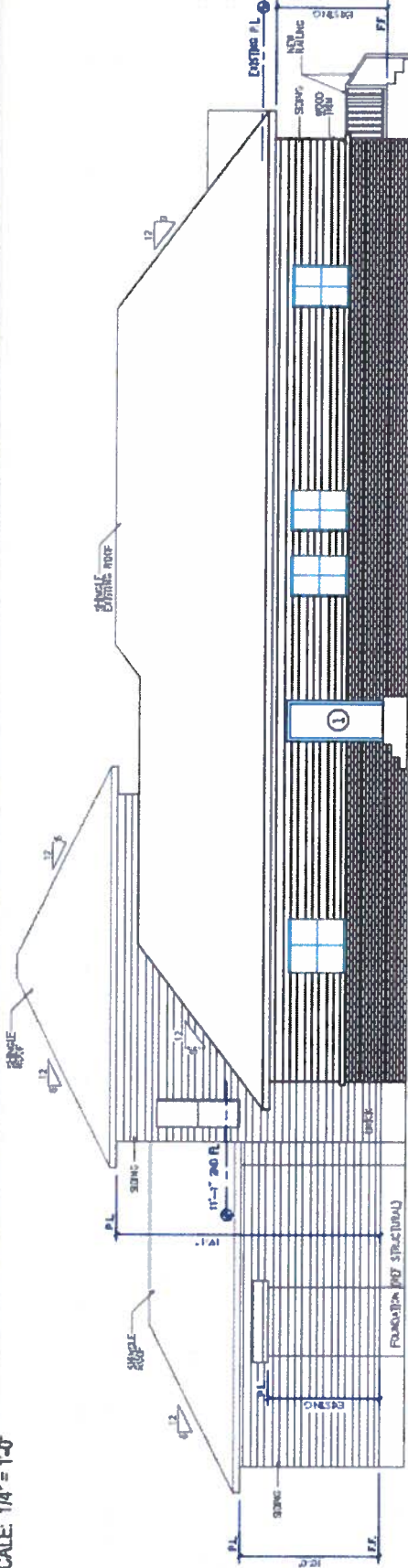
SHINGLE

5. ALL EXISTING ROOFING SHALL BE REPLACED WITH 30 YEAR SHINGLES. (REF A1.5 FOR ROOF PLAN)
6. PORCHES AND BALCONIES SHALL HAVE GUARD RAILS NOT LESS THAN 36" IN HEIGHT
7. INTERMEDIATE RAIL SPACING SHALL NOT BE GREATER THAN 4".



2
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

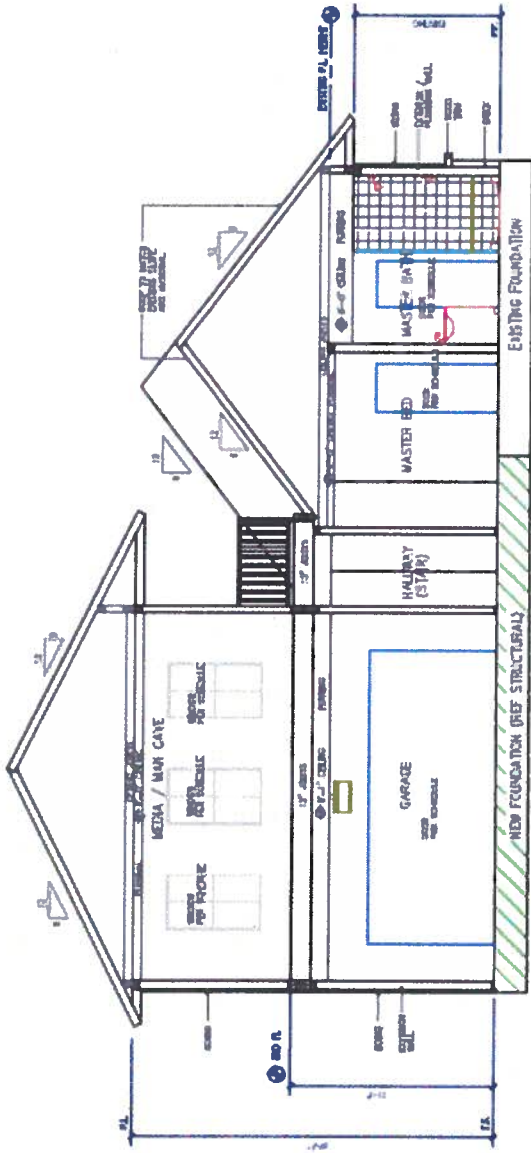


1
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



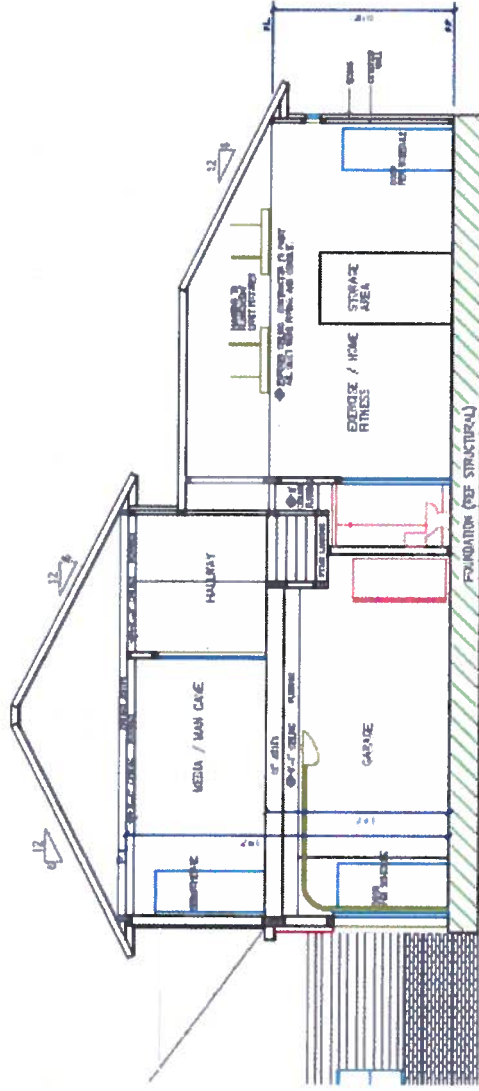
DALLAS LANDMARK COMMISSION
CASE #CA178-487(MP)

May 7, 2018



1 SECTION @ GARAGE & MASTER

SCALE: 1/4" = 1'-0"



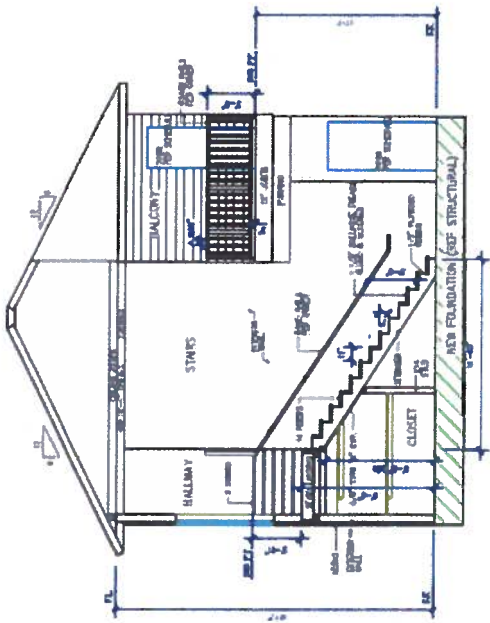
3 SECTION @ GARAGE & EXERCISE

SCALE: 1/4" = 1'-0"



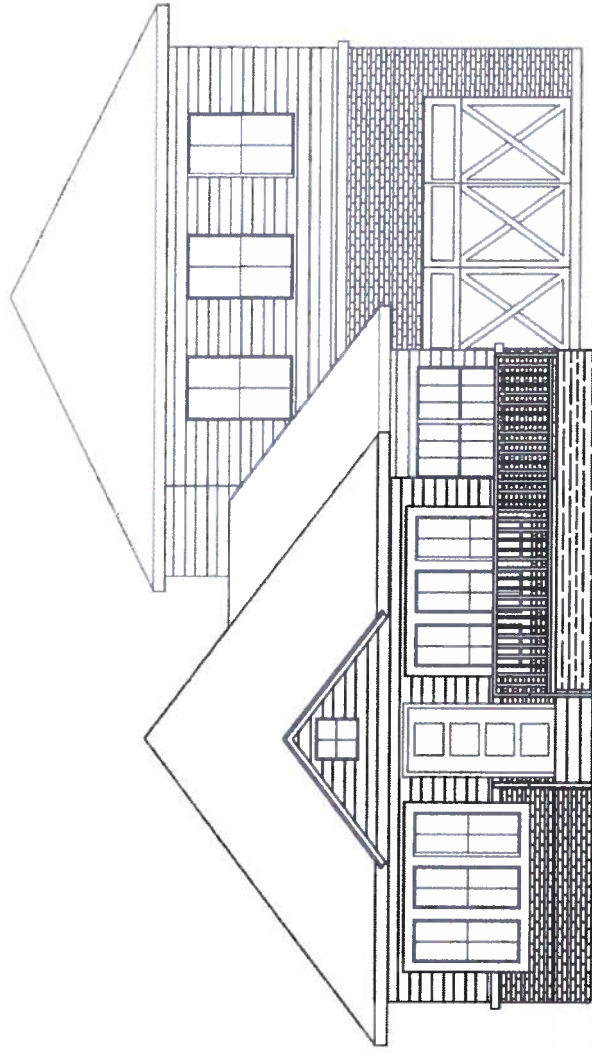
DALLAS LANDMARK COMMISSION
CASE #CA178-487(MP)

May 7, 2018



2 SECTION @ STAIR
SCALE: 1/4" = 1'-0"

GHAZEE HOME REMODEL
3614 MEADOW ST
DALLAS, TX 75215



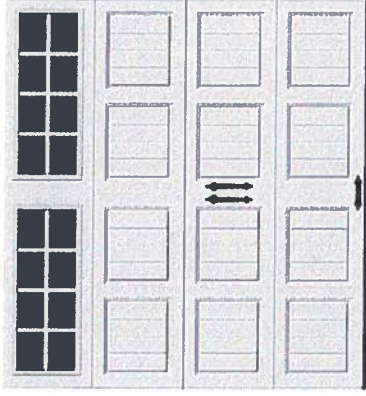
EXTERIOR SPECIFICATIONS: GHAAZEE RESIDENCE

- Roof
 - 30yr.-composition shingles; new roof to match existing
- Windows:
 - Anderson 100 Series - Fibrex® Composite - Interior & Exterior
 - Single Hung – Low E Glass
 - Picture – Low E Glass
- Front Entry Door
 - 6'-8" x 4'-0" Wood Door – Behr Broadway (PPU18-20) – Black
 - Saginaw Surplus: 6-Lite Craftsman Mahogany Pre-hung Wood Door Unit #43
 - Door Hardware: Baldwin – Spyglass Handle Set – Satin Nickel
- Garage Door
 - Gallery Collection (DIY) – Door Model: GR1SP 7' x 16' Black
- Siding
 - Hardie Plank Lap Siding – Light Mist (Siding will be light gray, Behr Tin Foil (N500-3))
- Brick
 - All brick painted a darker gray, Behr Shadow Mountain (PPU24-22)
- Fence & Gate
 - Board on Board with horizontal top trim
 - Gates: Drive Gate – Rot Iron; Walking Gate – Rot iron

Model # GR1SP_871_2004



Internet # QCU1384177



**6-Lite Craftsman Mahogany
Prehung Wood Door Unit #43**

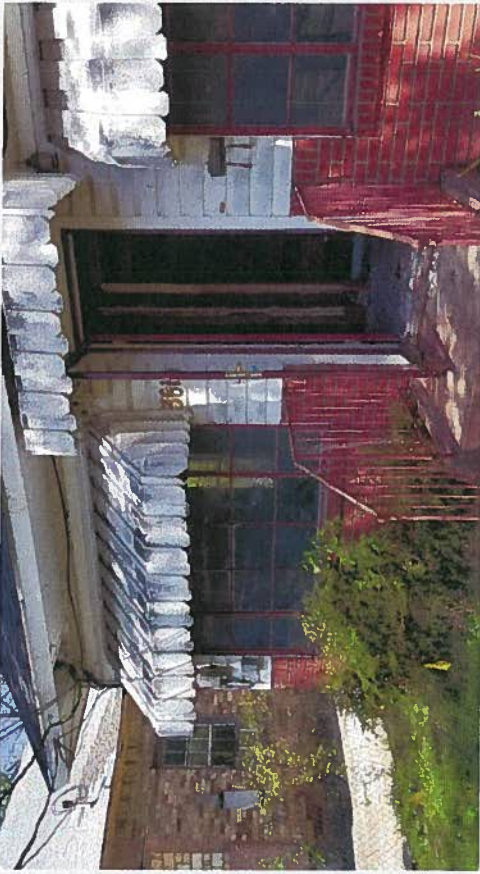


Broadway PPU18-20



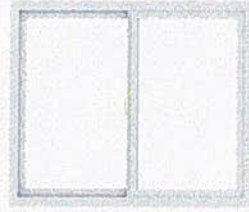
Baldwin Spyglass handleset satin nickel

Color proposed for front door.



What Is Fibrex® Material?

- A blend of 40 percent wood fiber by weight, mostly reclaimed from Andersen manufacturing processes, with 60 percent thermoplastic polymer by weight, some of which is also reclaimed.



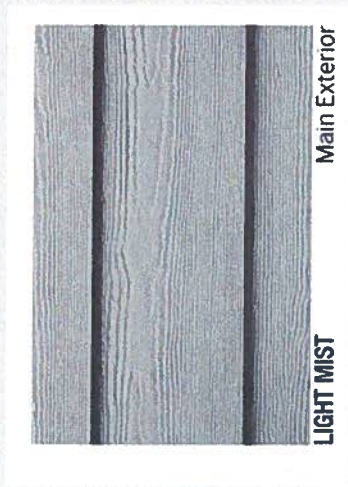
100 SERIES

Single-Hung Window



100 SERIES

Picture Window



Proposed paint color for siding.



Proposed paint color for brick.

PHOTOS OF NEWLY RENOVATED, OR RECENTLY BUILT HOMES IN THE NEIGHBORHOOD



These Homes are located in the coldsac on Lenway Street around the corner from 3614 Meadow Street.

Houses located adjacent to the historic district, but not in it.

PHOTOS OF NEWLY RENOVATED, OR RECENTLY BUILT HOMES IN THE NEIGHBORHOOD



These Homes are at the corner of Meadow Street and Lenway Street, located a block from 3614 Meadow Street.



This Homes is located at 3220 Meadow Street and Lenway Street, two blocks from 3614 Meadow Street.



This Homes is located at 3620 Meadow Street, next door. This picture also shows to recently built residences.

Houses located adjacent to historic district, but not in it.

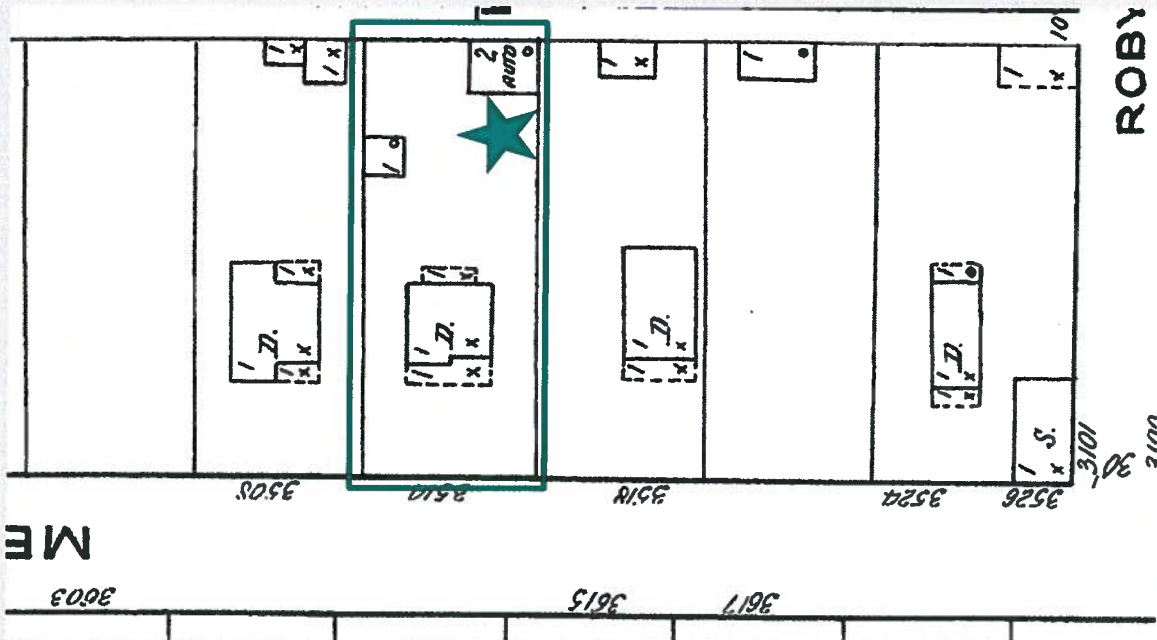
House next door to 3614 Meadow

PHOTOS OF NEWLY RENOVATED, OR RECENTLY BUILT HOMES IN THE NEIGHBORHOOD

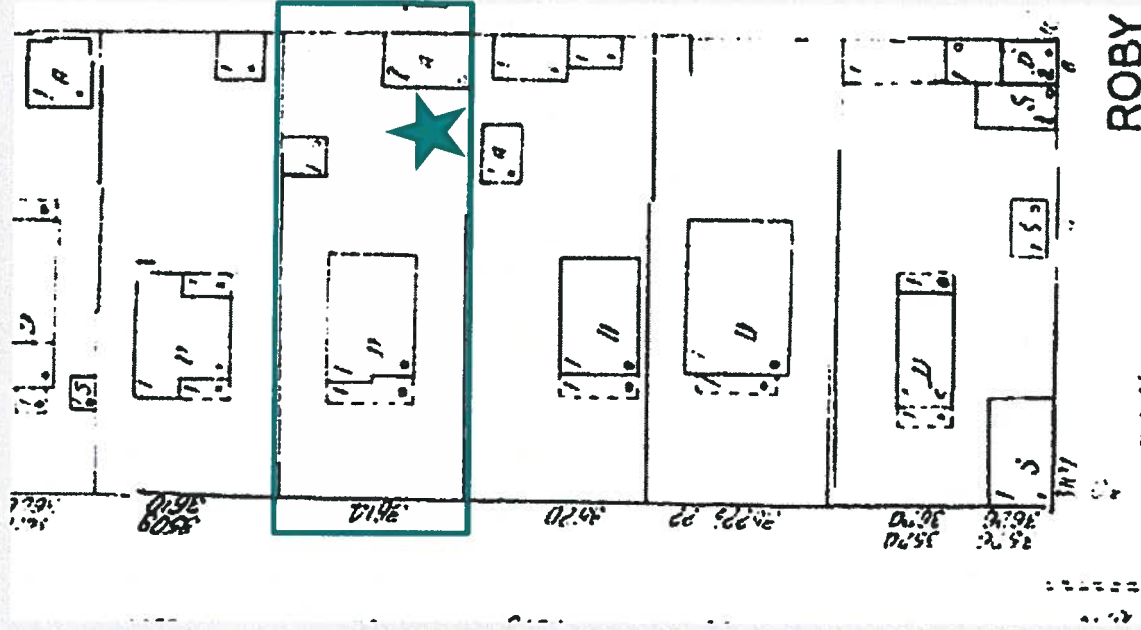


This Home is located at 3615 Meadow Street, across the street.

House located across from 3614 Meadow. Note: house is noncontributing to the historic district.



1922 Sanborn map.



1951 Sanborn map.

The '2' on these footprints indicates that it is 2 stories.

Landmark Commission
City of Dallas
1500 Marilla St.
Dallas, Texas 75201
Phone: (214)-670-5111
webgroupSP@dallascityhall.com
www.dallascityhall.com

April 05, 2018

REF: Wheatley Place Ordinance No. 24432
Address: 3614 Meadow Street 75215
Home Remodel and Addition

Sir / Madam

This letter is in reference to a proposed home remodel and new square foot addition at the above address, located within the Wheatley Place Neighborhood.

We first want to thank you for your continued effort in preserving the historical attributes, while also focusing on the beautification of the Wheatley Place Neighborhood!

After review of Ordinance No. 24432, it is our belief that the attached Certificate of Appropriateness concerning the remodel at 3614 Meadow Street will add value and enhance the historical characteristics of the Wheatley Place Neighborhood.

3614 Meadow Street has been in the Harden Family since the 1950s. The current owners, David and Trella Ghaazee are the grandson and granddaughter of the late Clifton Harden Sr. There have been multiple renovations throughout the years prior to Wheatley Place becoming an Historical District. Some of the renovations include: an addition to the back of the home which consisted of a large bedroom and bathroom; the original two-car garage was two-story with living quarters above; a was originally a front porch, but it was removed, and a covered porch was added to the side of the home, which has since been converted to additional living room space. The exterior facade has also been changed a couple times: aluminum siding was added in the 1970s, and most of the windows were changed in the 1990s, however, it is believed that the front windows have been in place since the 1960s.

LANDMARK COMMISSION MEMO

GHAZEE HOME REMODEL AND ADDITION

Our proposed remodel will bring the porch back to the front of the home, change all the windows, change the front door, replace the 1970s aluminum siding, add an attached garage with media room above. The addition will be compatible with the existing structure and will be added only to the old addition of the bedroom and bathroom at the rear of the home. The new addition will not impact the historical integrity of the original building of 1915.

There are a few details in the drawings that slightly deviate from Ordinance No. 24432:

- 4.1a. Protected Facades: We propose to add a door to the left side of the home, to access the backyard. The existing door to the backyard will be removed because of the new addition. The door to the backyard that's being removed is not apart of the original building.
- 4.1e. Brick: Painting the brick, we feel, is necessary to for aesthetics, since much of the existing brick does not completely match, due to the previous renovations and additions of the past, along with the planned new addition.
- 4.3. Siding: Currently, the siding on the existing structure is aluminum. We propose fiber cement siding (Hardie Plank).
- 5.7. Openings: We propose to add a door to the left side of the home, to access the backyard. The new door opening will not impact the front elevation.
- 9.8. Height of New Construction: The proposed addition does add two stories to the home and exceeds the height of the historic structure. However, the new addition will be compatible with the historic structure. Also, many of the homes in the neighborhood are two-story, some of which are additions to the original structure. We believe the two-story addition does take away from the historical attributes of the front elevation. We believe it will be enhanced.

Thank you for your time and consideration!

If there are any questions, concerns, and/or clarifications, please contact me at (214) 254-8383 or dbanks@intuitive-approach.com.

Sincerely



Darron Banks, Jr.
Intuitive Approach, LLC

Standard for approval: 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 sections 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.**

Dallas Development Code: No. 19455, Section 51A-4.501(g)(6)(C)(i)

Staff Recommendation:

1) Construct two-story addition that connects main structure to existing accessory structure

Deny without prejudice - The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 9.8 which states that the height of additions is not to exceed the height of the contributing structure.

2) Add porch and railing to front elevation

Approve - Approve drawings dated 4/18/18 with the finding the work is consistent with preservation criteria Section 4.1(b) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

3) Add front-facing gable to front elevation

Deny 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 preservation criteria Section 6.1 which states that historic slope, massing, configuration, and materials of the roof must be preserved.

Staff Recommendation:

4) Replace all windows

Deny 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 preservation criteria Section 5.3 which states that replacement windows must express profile, muntin and mullion size, light configuration, and material to match the historic.

5) Add door to left side elevation

Deny without prejudice - The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because applicant has provided insufficient information on the style and material of proposed door.

6) Replace front door

Approve - Approve specifications dated 4/18/18 with the finding the work is consistent with preservation criteria Section 5.2 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

Staff Recommendation:

- 7) Replace aluminum siding with Hardie board**
Deny without prejudice - The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.3 which states that wood siding must be restored wherever practical.
- 8) Paint existing brick. Brand: Behr – PPU24-22 “Shadow Mountain”**
Deny without prejudice - The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.1(e) which states that brick on protected facades may not be painted.
- 9) Expand approach on right side of existing driveway and expand driveway to proposed new structure**
Approve with conditions - Approve site plan dated 4/18/18 with the condition that the approach and driveway are brush finish concrete with the finding the work is consistent with preservation criteria Section 3.3 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

Staff Recommendation:

10) Construct 8' wood fence with iron gates

Approve with conditions - Approve site plan and specifications dated 4/18/18 with the condition that the tops of the iron gates are horizontal with the finding the work is consistent with preservation criteria Sections 3.11(b), 3.12, 3.13, and 3.14 and meets the standards in City Code Section 51A-4.510(g)(6)(C)(i).

SECTION 4

Minutes

May 7, 2018

See Pages 22 and 23, Item #11

2. Resize window on rear, right side elevation – Deny without prejudice – The proposed work will have an adverse effect on the architectural features, and thus, does not meet the standards in City Code Section 51A-4.501(g)(C)(6)(i).
3. Construct wood, cedar board fence – Approve – Approve site plan dated 4/18/18 with the finding the work is consistent with preservation criteria Sections 1.9, 1.12, and 1.14 and meets the standards in City Code Section 51A-4.501(g)(C)(6)(i).

Maker:	Swann				
Second:	Sherman				
Results:	13/0				
		Ayes:	-	13	*Allender, Amonett Bumpas Hinojosa, Montgomery, Payton, Richter, Seale, *Sherman, Spellicy, Strickland, Swann, Williams
		Against:	-	0	
		Absent:	-	3	,*Childers, De La Harpe, Flabiano
		Vacancies:	-	1	Dist. 3

11. 3614 MEADOW ST

Wheatley Place Historic District
CA178-487(MP)
Marsha Prior

1. Construct two-story addition that connects main structure to existing accessory structure.
2. Add porch and railing to front elevation.
3. Add front-facing gable to front elevation.
4. Replace all windows.
5. Add door to left side elevation.
6. Replace front door.
7. Replace aluminum siding with Hardie board.
8. Paint existing brick. Brand: Behr - PPU24-22 'Shadow Mountain.'
9. Expand approach on right side of existing driveway and expand driveway to proposed new structure.
10. Construct 8' wood fence with iron gates.

Speakers: For: Trelia Ghaazee, David Ghaaze
Against: No one

Motion:

1. Construct two-story addition that connects main structure to existing accessory structure – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 9.8 which states that the height of additions is not to exceed the height of the contributing structure.
2. Add porch and railing to front elevation – Approve drawings dated 4/18/18 with the finding the work is consistent with preservation criteria Section 4.1(b) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

3. Add front-facing gable to front elevation – Deny 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 preservation criteria Section 6.1 which states that historic slope, massing, configuration, and materials of the roof must be preserved.
4. Replace all windows – Deny 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 preservation criteria Section 5.3 which states that replacement windows must express profile, muntin and muillon size, light configuration, and material to match the historic.
5. Add door to left side elevation – Deny without prejudice – The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because applicant has provided insufficient information on the style and material of proposed door.
6. Replace front door - Approve drawings and specifications dated 4/18/18 with the finding the work is consistent with preservation criteria Section 5.2 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
7. Replace aluminum siding with Hardie board – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.3 which states that wood siding must be restored wherever practical.
8. Paint existing brick. Brand: Behr - PPU24-22 'Shadow Mountain.' – Approve with conditions - Approve with condition of alternative color selection with the finding of the fact that the work will not have an adverse effect on the historic property.
9. Expand approach on right side of existing driveway and expand driveway to proposed new structure – Approve site plan dated 4/18/18 with the condition that the approach and driveway are brush finish concrete with the finding the work is consistent with preservation criteria Section 3.3 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
10. Construct 8' wood fence with iron gates – Approve with conditions – Approve site plan and specifications dated 4/18/18 with the condition that the tops of the iron gates are horizontal with the finding the work is consistent with preservation criteria Sections 3.11(b), 3.12, 3.13, and 3.14 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

Maker:	Allender				
Second:	Williams				
Results:	9/4				
		Ayes:	-	9	*Allender, Amonett, Bumpas, Payton, Richter, Seale, *Sherman, Spellicy, Williams
		Against:	-	4	Hinojosa, Montgomery, Strickland, Swann
		Absent:	-	3	*Childers, De La Harpe, Flabiano
		Vacancies:	-	1	Dist. 3

SECTION 5

**Wheatley Place Historic
District Ordinance**

10-24-00

ORDINANCE NO. 24432

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by establishing Historic Overlay District No. 99 (Wheatley Place) comprised of the following described property ("the Property"), to wit:

BEGINNING at the point of intersection on the northeast line of Malcolm X Boulevard and the northwest property line of lots fronting on the northwest line of Warren Avenue;

THENCE northeast to the southwest line of Meadow Street;

THENCE southeast to the northwest property line of lots fronting the northwest line of Caviness Street;

THENCE northeast to the northeast property line of lots fronting the northeast line of Meadow Street;

THENCE southeast to the northwest line of Roby Street;

THENCE southwest to the southwest line of Meadow Street;

THENCE southeast to the northwest line of McDermott Avenue;

THENCE southwest to the south corner of Lot 11, Block 7/1966;

THENCE southeast to the southwest property line of lots fronting the northwest line of McDermott Avenue;

THENCE southwest to the northeast line of Malcolm X Boulevard;

THENCE northwest to the POINT OF BEGINNING;

24432

providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

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

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

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

SECTION 1. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic Overlay District No. 99 comprised of the following described property ("the Property"), to wit:

BEGINNING at the point of intersection on the northeast line of Malcolm X Boulevard and the northwest property line of lots fronting on the northwest line of Warren Avenue;

THENCE northeast to the southwest line of Meadow Street;

THENCE southeast to the northwest property line of lots fronting the northwest line of Caviness Street;

THENCE northeast to the northeast property line of lots fronting the northeast line of Meadow Street;

THENCE southeast to the northwest line of Roby Street;

THENCE southwest to the southwest line of Meadow Street;

24432

THENCE southeast to the northwest line of McDermott Avenue;

THENCE southwest to the south corner of Lot 11, Block 7/1966;

THENCE southeast to the southwest property line of lots fronting the northwest line of McDermott Avenue;

THENCE southwest to the northeast line of Malcolm X Boulevard;

THENCE northwest to the POINT OF BEGINNING.

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

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

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

24432

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

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

SECTION 7. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

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

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By 
Assistant City Attorney

Passed OCT 25 2000

Z990-234/11232-SE(AC) - Page 4

Exhibit A
PRESERVATION CRITERIA
Wheatley Place Historic District

1. GENERAL

- 1.1 All demolition, maintenance, new construction, public works (including street lights), renovation, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended. In the event of a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
 - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. There are two types of certificates of appropriateness. A certificate of appropriateness for routine maintenance work (minor repairs and alterations) may be approved by city staff within 20 days after a complete application is filed. All other certificates of appropriateness must be reviewed by city staff, the historic district taskforce (which must include community residents) and the Landmark Commission. The certificate of appropriateness review procedure is outlined in Section 51A-4.501 of the Dallas Development Code, as amended.
 - c. The Landmark Commission may approve a certificate of appropriateness for work that does not strictly comply with these preservation criteria upon a finding that the proposed work is historically accurate and is consistent with the spirit and intent of the preservation criteria; and the proposed work will not adversely affect the historic character of the property or the integrity of the historic district.
 - d. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
 - e. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code.
- 1.5 Preservation and restoration materials and methods must comply with the Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.
- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1916 to 1940.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in CHAPTER 51A "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of the historic district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 COLUMN means the entire column, including the base and capital.
- 2.5 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to a historic district.
- 2.6 CORNERSIDE FACADE means a facade facing a side street.
- 2.7 CORNERSIDE FENCE means a fence adjacent to a side street.
- 2.8 CORNERSIDE YARD means a side yard abutting a street.

24432

- 2.9 DISTRICT means Historic Overlay District No. 99, the Wheatley Place Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown in Exhibit B.
- 2.10 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.11 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.12 INTERIOR SIDE FACADE means a facade not facing a street or alley.
- 2.13 INTERIOR SIDE FENCE means a fence not adjacent to a street or alley
- 2.14 INTERIOR SIDE YARD means a side yard not abutting a street or alley.
- 2.15 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.16 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING

- 3.1 New construction is prohibited in the front yard.
- 3.2 All contributing structures are protected.
- 3.3 New driveways (full or ribbon strip), sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted. Materials not normally permitted may be used on sidewalks, steps and walkways if necessary for the elderly or handicapped, but only for the period needed.
- 3.4 Circular driveways and parking areas are not permitted in a front yard.
- 3.5 Carports or garages are permitted in the side and rear yards if they are historic in appearance. Temporary structures not matching the historic structure are allowed if they are compatible in color, form, materials and general appearance.
- 3.6 Outdoor lighting must be appropriate and enhance the structure.
- 3.7 Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- 3.8 It is recommended that landscaping reflect the historic landscape design.

- 3.9 Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 3.10 Any new mechanical or communications equipment may not be erected in the front or side yards, and must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way. Pay phones may not be erected in front or side yards.
- 3.11 Fence location.
- a. Historically appropriate fences are permitted in the front yard and may not exceed 3 feet, 6 inches in height and must be 50 percent open. They must be constructed of one or more of the following materials: wood, stone, brick, wrought iron, a combination of those materials, or other appropriate materials. Chain link fencing is not allowed in the front yard.
 - b. Interior side fences must be located five feet behind the open front porch of an adjacent house. The portion of the interior side fence facing the main street must be at least 70 percent open. Interior side fences may be solid. Chain link fencing is not allowed in interior side yards.
 - c. Cornerside fences must be located in the rear 50 percent of the cornerside facade. Cornerside fences must be at least 70 percent open. Chain link fencing is not allowed in cornerside yards. Solid cornerside fences are allowed only if screening is necessary to ensure privacy due to unusually high pedestrian or vehicular traffic. Solid cornerside fences must not screen any significant architectural feature of a main structure.
 - d. Fence locations are shown in Exhibit C.
- 3.12 Unless otherwise noted, fences must not exceed eight feet in height.
- 3.13 Fences must be constructed of brick, cast stone, wrought iron, stone, wood, or a combination of those materials. Chain link fencing is only allowed in the back yard.
- 3.14 Tops of fences must be horizontal, stepped or parallel to grade as illustrated in Exhibit C.
- 3.15 The finished side of a fence must face out if seen from any street as illustrated in Exhibit C.

4. FACADES

- 4.1 Protected facades.
- a. Front, cornerside and interior side facades of contributing structures are protected.
 - b. Reconstruction, renovation, repair or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
 - c. Historic solid-to-void ratios of protected facades must be maintained.
 - d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
 - e. Brick, cast stone and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
- 4.2 Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.
- 4.3 Wood siding, trim, and detailing must be restored wherever practical. If wood siding is economically impossible, the Landmark Commission may consider other appropriate materials.
- 4.4 All exposed wood must be painted, stained, or otherwise preserved.
- 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.6 Paint must be removed in accordance with the Department of Interior Standards prior to refinishing.
- 4.7 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 4.8 Paint colors.
- a. Historic color must be maintained wherever practical.
 - b. Color schemes for non-masonry elements should conform to any available documentation as to historic color.

- c. All structures must have a dominant color and no more than three trim colors, including any accent colors. Proper location of dominant, trim and accent colors are shown in Exhibit D. The colors of a structure must be complimentary to each other and the overall character of this district. Complimenting color schemes are encouraged through the blockface.
 - d. Wood columns should be painted white or a light color.
- 4.9 Exposing and restoring historic finish materials is recommended.
- 4.10 Cleaning of the exterior of a structure must be in accordance with Department of Interior Standards. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. WINDOWS AND DOORS

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic. Wood windows should be retained and repaired. Replacement windows should be wood. If wood windows are economically impossible, the Landmark Commission may consider other appropriate materials.
- 5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color. Painted or factory finished aluminum storm doors, storm windows or screens are permitted. Mill finished (unpainted) aluminum storm doors, storm windows or screens are not permitted.
- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.
- 5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.8 The Secretary of the Interior's Standards for Rehabilitation should be referred to for acceptable techniques to improve the energy efficiency of historic windows and doors.

6. ROOFS

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed: composition shingles and wood shingles. Built-up and single-ply membrane are permitted on flat roofs. Clay tiles, slate tiles, terra-cotta tiles, metal, synthetic wood shingles and synthetic clay tiles roofs are not permitted.
- 6.3 Historic eaves, coping, cornices, dormers, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module and color.
- 6.4 Mechanical or communications equipment, satellite dishes, skylights, and solar panels on the roof must be placed so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

7. PORCHES AND BALCONIES

- 7.1 Historic porches and balconies are protected.
- 7.2 Porches and balconies may not be enclosed. It is recommended that existing enclosed porches be restored to their historic appearance.
- 7.3 Historic columns, detailing, railings, and trim on porches and balconies are protected. Railings and ramps are allowed if necessary for the elderly or handicapped, but only for the period needed.
- 7.4 Porch floors must be brick, concrete, stone, or wood. Brick, concrete, or stone porch floors may not be covered with carpet or paint. Wood floors must be painted or stained. A clear sealant is acceptable on porch floors. Materials not normally permitted may be used on porch floors if necessary for the elderly or handicapped, if appropriate, and only for the period needed.

8. EMBELLISHMENTS AND DETAILING

- 8.1 The following architectural elements are considered important features and are protected:
 - a. porte cocheres,
 - b. front porches,
 - c. historic doors and windows, and
 - d. historic architectural detailing or decorative features.

9. NEW CONSTRUCTION AND ADDITIONS

- 9.1 Stand-alone new construction is permitted only in the rear yard, except as otherwise noted.
- 9.2 The elevation of a lot to be used for construction of a new main structure must match the elevation of other lots on the block.
- 9.3 Construction of new main structures must include a front porch appropriate to the neighborhood.
- 9.4 Vertical additions (second stories) to contributing structures are not permitted. Dormers are allowed on the rear of the house.
- 9.5 Horizontal additions to contributing structures are not permitted on the front facade. Any new horizontal additions must be set back ten feet from the front facade.
- 9.6 The color, details, form, materials, and general appearance of new construction, including accessory buildings, construction of new main structures and additions, must be compatible with the existing historic structure.
- 9.7 New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solids-to-voids ratios. New construction should be of the same predominant material. Details can be of other materials, except as otherwise noted.
- 9.8 The height of new construction and additions must not exceed the height of the historic structure.
- 9.9 Aluminum siding, stucco and vinyl cladding are not permitted.
- 9.10 Chimneys visible from the public right-of-way must be clad in brick or stucco. Imitation brick may be used if appropriate.
- 9.11 Front yard setback for construction of new main structures.
 - a. A main structure on an interior lot must have a front yard setback that is within ten feet of the average front yard setback of other structures in the blockface.
 - b. A main structure on a corner lot must have a front yard setback that is within ten feet of the front yard of the closest main structure in the same blockface.
- 9.12 Front, rear, interior side, and cornerside yards are illustrated in attached Exhibit E.

- 9.13 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

10. ACCESSORY BUILDINGS

- 10.1 Accessory buildings are permitted only in the rear yard.
- 10.2 Accessory buildings must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building. Imitation siding is allowed on accessory buildings if consistent with the main structure. Metal storage buildings are allowed if not seen from the street.
- 10.3 Accessory buildings must be at least eight feet from the main structure.
- 10.4 Accessory buildings must not exceed 800 square feet in area, unless documentation shows that an original building exceeding this size was previously on the building site.
- 10.5 Accessory buildings may have garage doors located at the established rear yard setback from the alley if electric garage door openers are installed.
- 10.6 The minimum rear yard setback for accessory structures is two feet, six inches, with a one foot, six inch roof overhang encroachment permitted.
- 10.7 The minimum side yard setback for accessory structures is three feet, with a one foot, six inch roof overhang encroachment permitted.
- 10.8 Accessory structures may be rebuilt in the location of a former accessory structure if the location of the former accessory structure is properly documented.

11. SIGNS

- 11.1 Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and real estate signs may be erected without a certificate of appropriateness.
- 11.2 Signs may be erected if appropriate.
- 11.3 All signs must comply with the provisions of the Dallas City Code, as amended.

12. PRESERVATION CRITERIA SPECIFIC TO 3700 MALCOLM X BOULEVARD**12.1 General.**

- a. All of the preservation criteria contained in this Exhibit A apply to 3700 Malcolm X Boulevard except as modified in this section.

12.2 Building site and landscaping.

- a. Any new mechanical equipment may be erected only in the side or rear yard, and must be screened.
- b. Fences are not permitted in front of or on the side of the building, except fences that are present prior to the effective date of this ordinance may remain.
- c. Asphalt is permitted for resurfacing the parking lot.

12.3 Facades.

- a. Signs advertising businesses in building are permitted on protected facades if appropriate.
- b. Retractable and shed-type awnings are allowed on protected facades.

12.4 Windows and doors.

- a. The historic storefront window configuration is protected.
- b. Exterior burglar bars are permitted over windows and doors if appropriate and necessary. Interior mounted burglar bars or other methods of security are preferred over exterior burglar bars.
- c. Metal roll-down protection screens are permitted if appropriate and necessary for security of merchandise. Alternatives to covering the exterior of storefront windows should be explored whenever possible.
- d. Burglar bars and protection screens that were present prior to the effective date of this ordinance may remain.

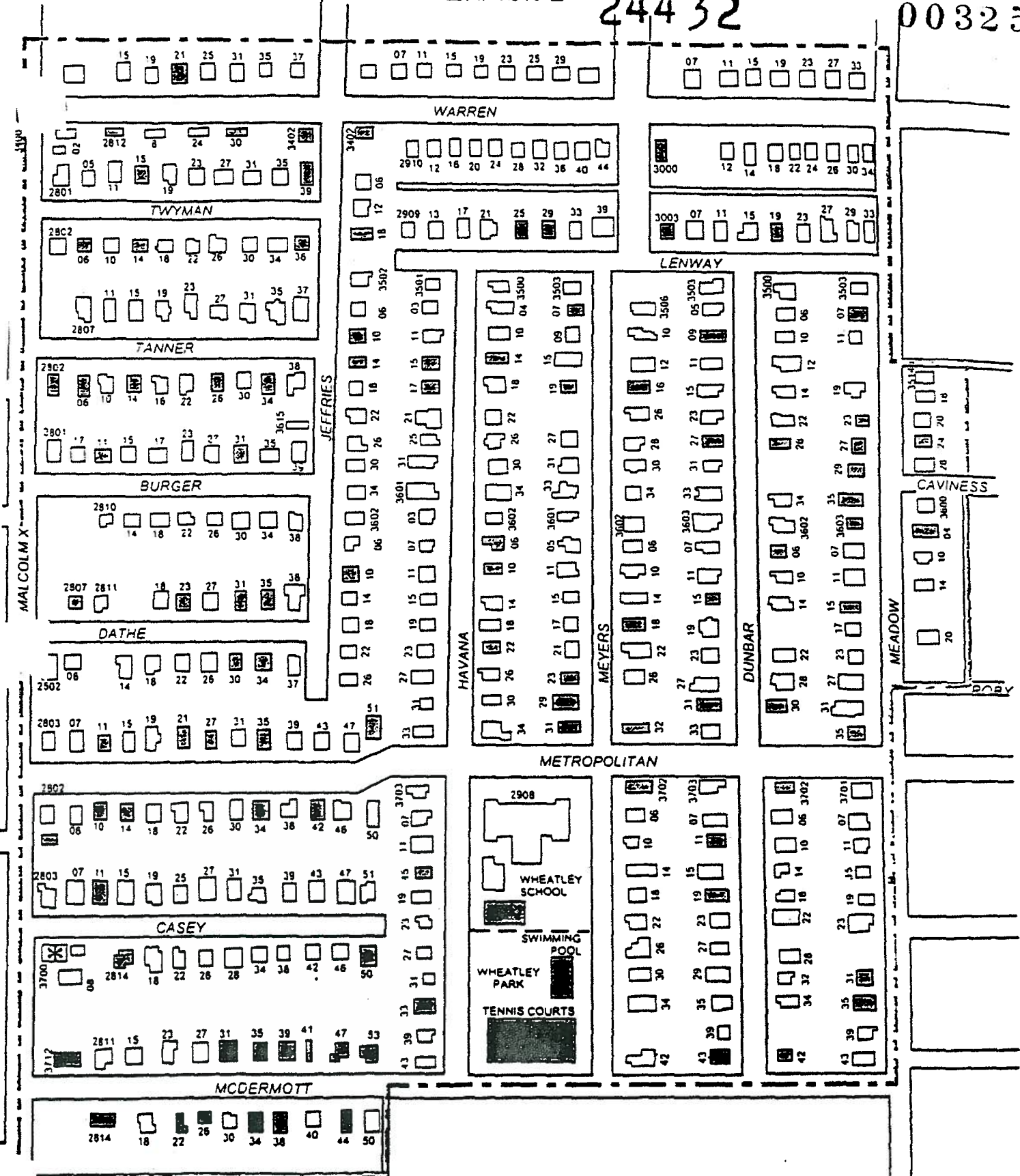
12.5 New construction.

- a. The preservation criteria regarding new construction contained in this Exhibit A apply to new construction for commercial uses, except as follows:
 1. Any new construction for commercial uses may not include a front porch.

2. Any new construction for commercial uses must have a front and side yard setback of no more than eight feet.

13. ENFORCEMENT

- 13.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 13.2 A person is criminally responsible for a violation of these preservation criteria if the person owns part or all of the property where the violation occurs, the person is the agent of the owner of the property and is in control of the property, or the person commits the violation or assists in the commission of the violation.
- 13.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 13.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.



OAKLAND CEMETERY

□ Contributing

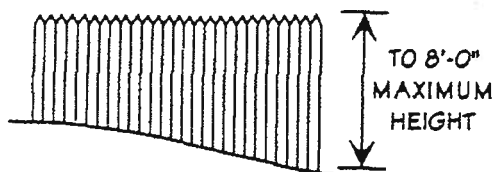
■ Non-Contributing

XXV

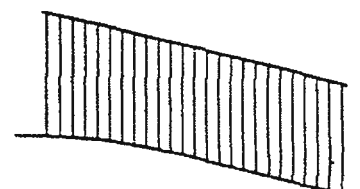
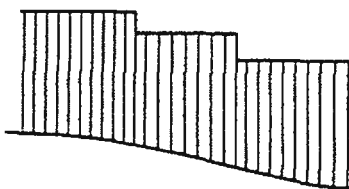
* Contributing based on (1) History, heritage and culture; Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country..
 (2) Historic context: Relationship to other distinctive buildings, sites or areas which are eligible for... architectural characteristics.

EXHIBIT C

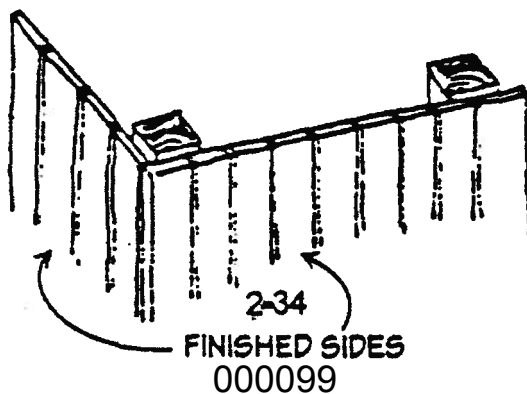
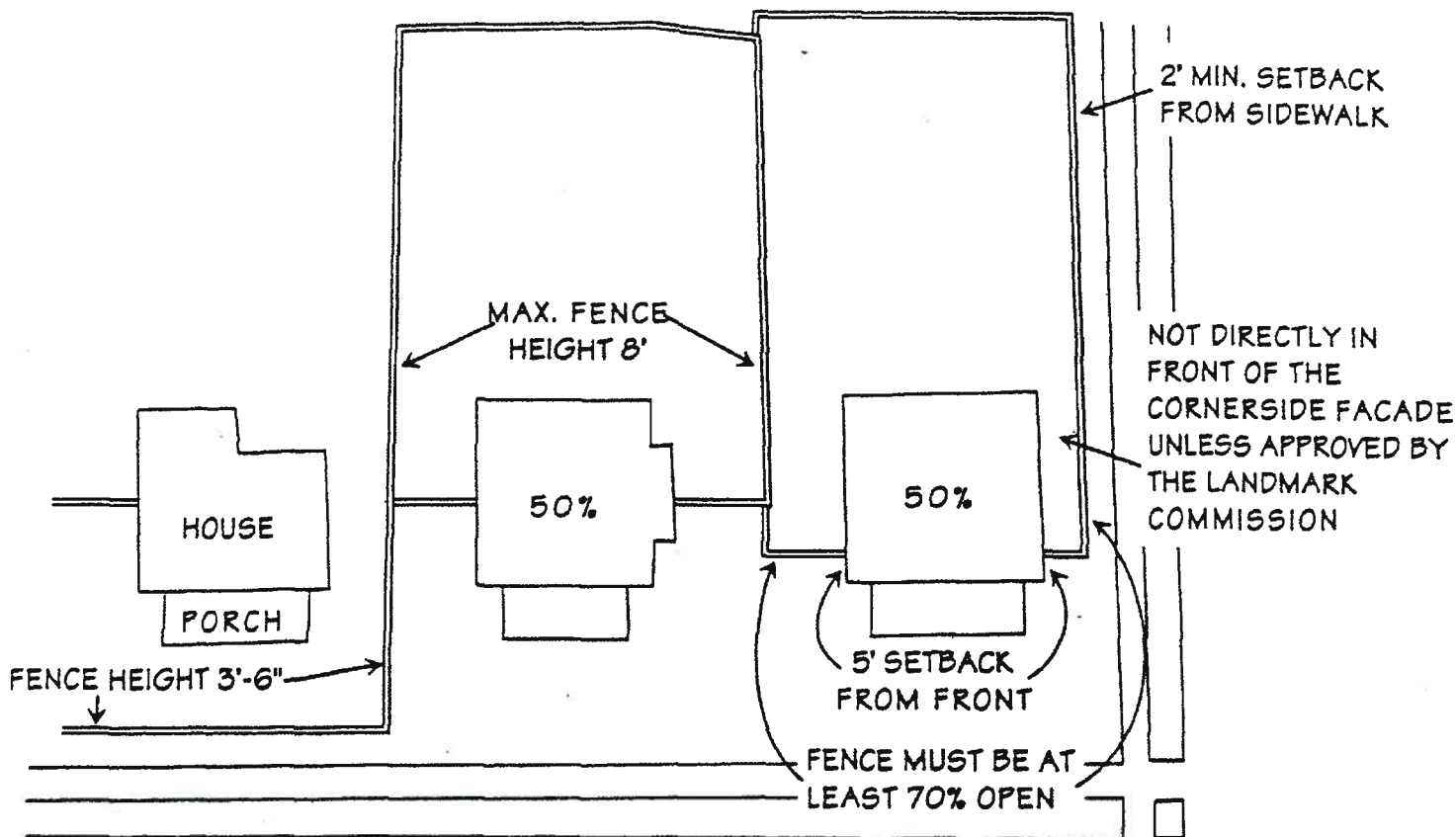
FENCES



HORIZONTAL



PARALLEL TO GRADE

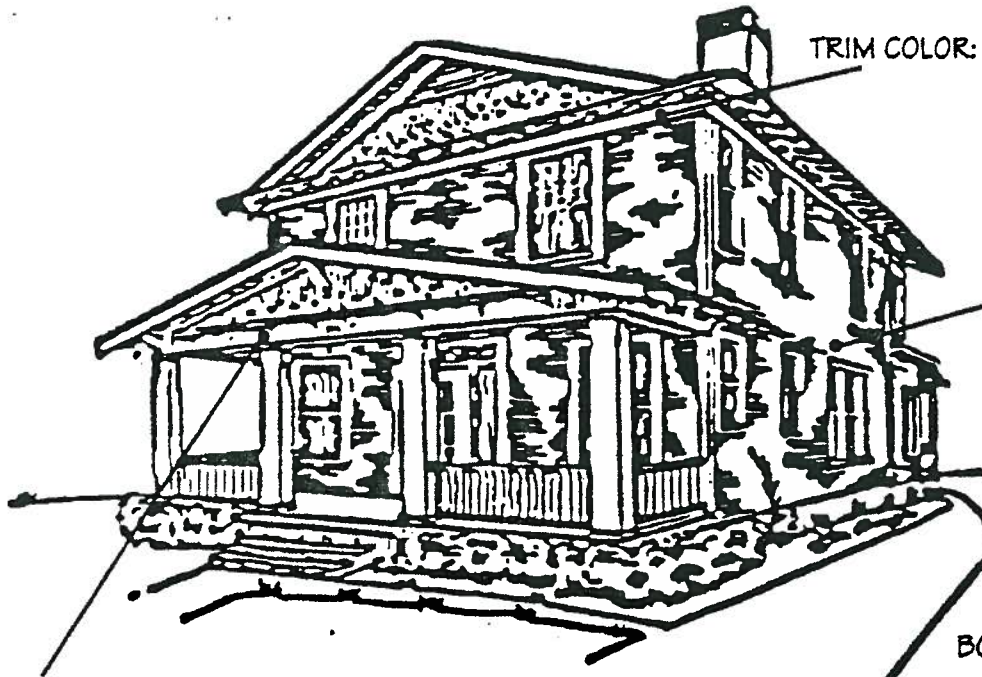


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EXHIBIT D

COLOR PLACEMENT

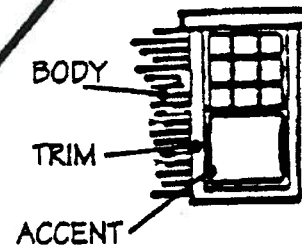
COLUMN COLOR: SHOULD BE
PAINTED WHITE OR A LIGHT COLOR



TRIM COLOR: MAJOR TRIM ON HOUSE

BODY COLOR:
MAIN SIDING ON HOUSE

ACCENT COLOR: SMALL DISCRETE ARCHITECTURAL
FEATURES ON HOUSE SUCH AS INNERMOST WINDOW FRAMES
OR NARROW MOLDING STRIPS



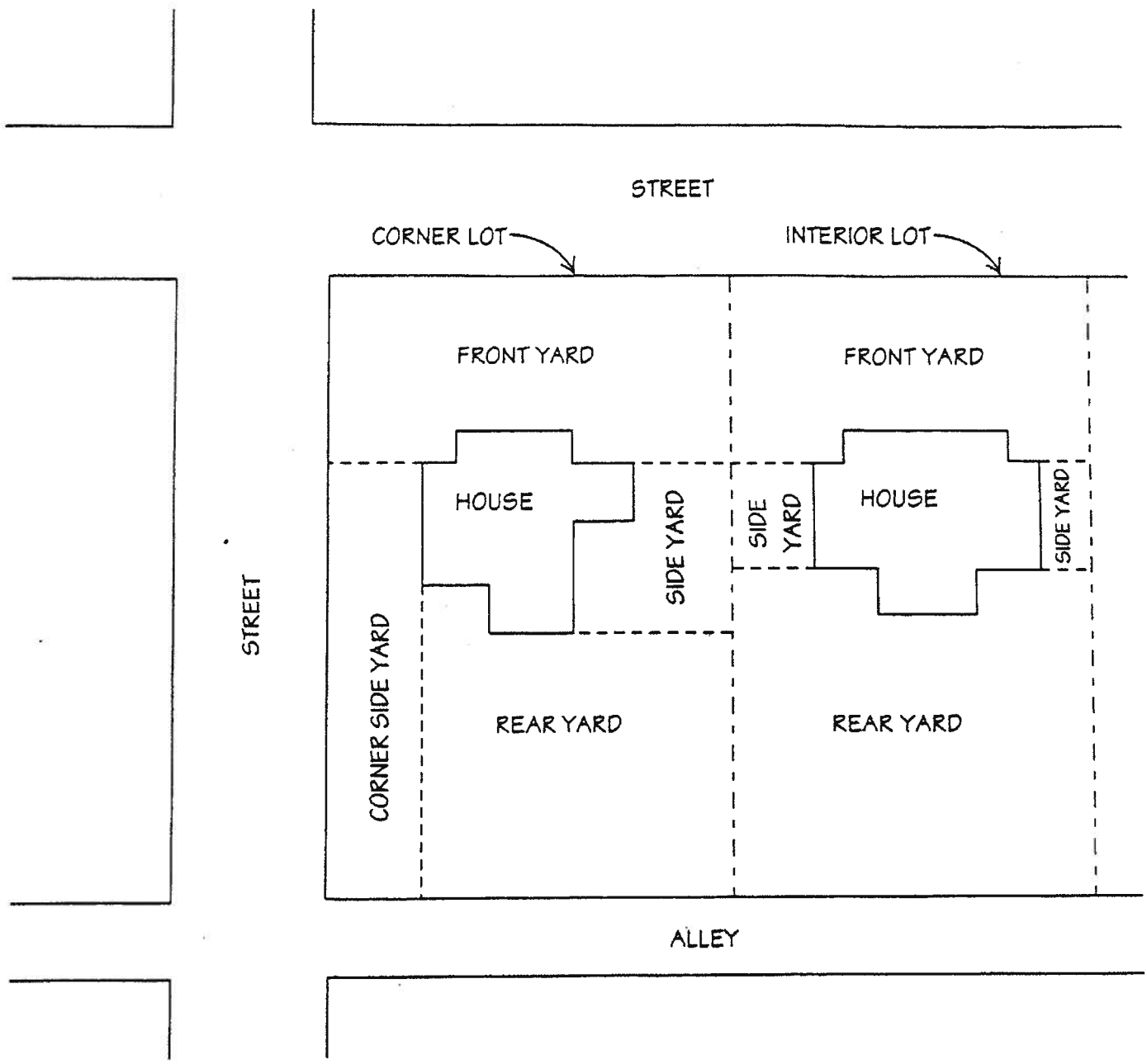
BODY

TRIM

ACCENT

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EXHIBIT E



SECTION 6

Historic Preservation Criteria Dallas Development Code § 51A-4.501

Division 51A-4.500. Overlay and Conservation District Regulations.

SEC. 51A-4.501. HISTORIC OVERLAY DISTRICT.

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

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

(2) to strengthen the economy of the city;

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

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

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

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

(7) to create a more livable urban environment;

(8) to enhance property values;

(9) to provide financial incentives for preservation;

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

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

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

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

(14) to stabilize neighborhoods;

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

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

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

(b) Establishment of historic overlay districts.

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

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

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

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

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

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

(6) Historic context: Relationship to other distinctive buildings, sites, or areas which are

eligible for preservation based on historic, cultural, or architectural characteristics.

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

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

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

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

(c) Historic designation procedure and predesignation moratorium.

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

(2) Initiation of historic designation procedure. The procedure for adopting an ordinance to establish or amend a historic overlay district may be initiated by the city council, the city plan commission, the landmark commission, or by the owner(s) of the property. The director shall provide property owners with notice of a public hearing to initiate the historic designation procedure at least 10 days before the date set for the hearing using the procedure outlined in Section 51A-4.701(a)(1). No permits to alter or demolish the property may be

issued after provision of this notice until action is taken at that hearing by the city council, city plan commission, or landmark commission. The historic designation procedure is considered to be initiated immediately when the city council, the city plan commission, or the landmark commission votes to initiate it or, in the case of initiation by the property owner(s), when the zoning change application is filed with the director.

(3) Appeal. If the historic designation procedure is initiated by the landmark commission or city plan commission, the property owner may appeal the initiation to the city council by filing a written notice with the director within 10 days after the action of the landmark commission or city plan commission. Within 180 days after the filing of the appeal, the director shall prepare, and the landmark commission shall adopt, a designation report and submit it to the city council. After submission of the designation report, the city council shall hold a public hearing on the appeal. The sole issue on appeal is whether the landmark commission or city plan commission erred in evaluating the significance of the property based on the characteristics listed in Section 51A-4.501(b). Appeal to the city council constitutes the final administrative remedy.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Predesignation certificate of appropriateness.

(1) When required. A person shall not alter a site, or alter, place, construct, maintain, or

expand any structure on the site during the predesignation moratorium without first obtaining a predesignation certificate of appropriateness in accordance with this subsection.

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

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

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

commission's decision must be in writing and, if the decision is to deny the predesignation certificate of appropriateness, with or without prejudice, the writing must state the reasons why the predesignation certificate of appropriateness is denied.

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

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

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

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

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

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

(7) Appeal. If a predesignation certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed,

including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (m). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (m). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(8) Reapplication. If a final decision is reached denying a predesignation certificate of appropriateness, no further applications may be considered for the subject matter of the denied predesignation certificate of appropriateness unless the predesignation certificate of appropriateness has been denied without prejudice or the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request for a new hearing.

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

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

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

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

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

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

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

(e) Additional uses and regulations.

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

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

(3) The historic overlay district ordinance may include preservation criteria for the interior of historic structures if the interior is customarily open and accessible to the public and the interior has extraordinary architectural, archaeological,

cultural, economic, social, ethnic, political or historical value. Unless there are specific provisions for the interior, the preservation criteria in the historic overlay district ordinance and the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties apply only to the exterior of structures within a historic overlay district.

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

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

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

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

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

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

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

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

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

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

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

(f) Notice of designation.

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

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

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

(g) Certificate of appropriateness.

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

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

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

(4) Director's determination of procedure. Upon receipt of an application for a certificate of appropriateness, the director shall determine

whether the application is to be reviewed under the routine work review procedure or the standard certificate of appropriateness review procedure.

(5) Routine maintenance work review procedure.

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

(B) Routine maintenance work includes:

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

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

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

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

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

(vi) the installation of skylights and solar panels;

(vii) the installation of storm windows and doors;

(viii) the installation of window and door screens;

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

(x) the restoration of original architectural elements;

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

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

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

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

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

(6) Standard certificate of appropriateness review procedure.

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

(B) Upon receipt of an application for a certificate of appropriateness, the director shall determine whether the structure is contributing or noncontributing. Within 40 days after a complete

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

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

(i) for contributing structures:

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

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

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

(dd) the proposed work will not have an adverse effect on the future preservation,

maintenance and use of the structure or the historic overlay district.

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

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

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

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

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

case back to the landmark commission in accordance with Subsection (m). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (m). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

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

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

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

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

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

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

(ii) the certificate of appropriateness was issued in violation of the regulations contained in this section, the preservation

criteria contained in the historic overlay district ordinance, the development code, or building codes; or

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

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

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

(h) Certificate for demolition or removal.

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

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

(A) An affidavit in which the owner swears or affirms that all information submitted in the application is true and correct.

(B) An indication that the demolition or removal is sought for one or more of the following reasons:

(i) To replace the structure with a new structure that is more appropriate and compatible with the historic overlay district.

(ii) No economically viable use of the property exists.

(iii) The structure poses an imminent threat to public health or safety.

(iv) The structure is noncontributing to the historic overlay district because it is newer than the period of historic significance.

(C) For an application to replace the structure with a new structure that is more appropriate and compatible with the historic overlay district:

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

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

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

(iv) Complete architectural drawings of the new structure.

(v) A guarantee agreement between the owner and the city that demonstrates the owner's intent and financial ability to construct the new structure. The guarantee agreement must:

(aa) contain a covenant to construct the proposed structure by a specific date in accordance with architectural drawings approved by the city through the predesignation certificate of

appropriateness process or the certificate of appropriateness process;

(bb) require the owner or construction contractor to post a performance and payment bond, letter of credit, escrow agreement, cash deposit, or other arrangement acceptable to the director to ensure construction of the new structure; and

(cc) be approved as to form by the city attorney.

(D) For an application of no economically viable use of the property:

(i) The past and current uses of the structure and property.

(ii) The name of the owner.

(iii) If the owner is a legal entity, the type of entity and states in which it is registered.

(iv) The date and price of purchase or other acquisition of the structure and property, and the party from whom acquired, and the owner's current basis in the property.

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

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

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

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

(ix) All appraisals obtained by the owner and prospective purchasers within the previous two years in connection with the potential or

actual purchase, financing, or ownership of the structure and property.

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

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

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

(xiii) All capital expenditures during the current ownership.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Documentation of the age of the structure.

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

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

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

(3) Certificate of demolition or removal review procedure.

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

(B) Within 65 days after submission of a complete application, the landmark commission shall hold a public hearing and shall approve or deny the application. If the landmark commission does not make a final decision within that time, the building official shall issue a permit to allow the

requested demolition or removal. The property owner has the burden of proof to establish by clear and convincing evidence the necessary facts to warrant favorable action by the landmark commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the structure is noncontributing to the historic overlay district;

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

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

(5) Appeal. The chair of the landmark commission shall give verbal notice of the right to appeal at the time a decision on the application is made. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. Any interested person may appeal the decision of the landmark commission to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. If no appeal is made of a decision to approve the certificate for demolition or removal within the 30-day period, the building official shall issue the permit to allow demolition or removal. If an appeal is filed, the city plan commission shall hear and decide the appeal within 65 days after the date of its filing. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan

commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (m). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (m). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

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

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

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

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

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

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

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

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

(4) Notice of court proceedings to landmark commission and director. The city attorney's office shall provide written notice to the landmark commission and director at least 10 days before any hearing before a court or other tribunal where the city attorney's office seeks an order requiring demolition of a residential structure with no more than 3,000 square feet of floor area subject to a

predesignation moratorium or in a historic overlay district. If a court or other tribunal orders demolition of the structure subject to a predesignation moratorium or in a historic overlay district, the city attorney's office shall provide written notice to the landmark commission and director within five days after the order is signed and provided to the city attorney's office.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Initial suspension period.

(aa) The landmark commission may suspend the granting of the certificate for demolition until the next regularly scheduled landmark commission meeting (the initial suspension period) to allow time to find a party interested in rehabilitating the structure.

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

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

(ii) Extended suspension period.

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

[1] submit an application for a predesignation certificate of appropriateness or a certificate of appropriateness;

[2] provide evidence that the interested party has or will obtain title to the property and has authority to rehabilitate the structure, or is authorized to rehabilitate the property by a party who has title to the property or has the right to rehabilitate the property;

[3] provide evidence that the structure and property have been secured to prevent unauthorized entry; and

[4] provide a guarantee agreement that:

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

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

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

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

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

(iii) Continuing suspension period.

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

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

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

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

(9) Appeal. The city representative or property owner may appeal a decision of the landmark commission under this subsection to the city plan commission by filing a written notice with the director within 10 days after the date of the decision of the landmark commission. The city plan

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

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

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

(j) Summary abatement by fire marshal. If the fire marshal finds that conditions on a structure subject to a predesignation moratorium or in a historic overlay district are hazardous to life or property and present a clear and present danger, the fire marshal may summarily abate those conditions without a

predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition.

(k) Demolition by neglect.

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

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

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

(B) A deteriorated or inadequate foundation.

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

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

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

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

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

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

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

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

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

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

(3) Demolition by neglect procedure.

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

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

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

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

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

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

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

(m) Historic preservation fund.

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

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

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

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

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

(A) Necessary repairs in demolition by neglect cases.

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

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

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

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

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

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

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

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

(C) Restoration of another historic structure.

(n) Enforcement and criminal penalties.

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

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

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

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

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

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

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

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

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

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

(A) violates a statutory or ordinance provision;

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

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

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

SEC. 51A-4.502.

INSTITUTIONAL
OVERLAY DISTRICT.

(a) General provisions.

(1) The institutional overlay district promotes cultural, educational, and medical institutions, and enhances their benefit to the community while protecting adjacent property.

(2) The following main uses may be permitted in an institutional overlay district:

- Ambulance service.
- Ambulatory surgical center.
- Cemetery or mausoleum.
- Church.
- College dormitory, fraternity or sorority house.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes, hospice care, and related institutions.
- Convent or monastery.
- Day care center.
- Foster home.
- Halfway house.
- Hospital.
- Library, art gallery, or museum.
- Medical clinic.
- Medical or scientific laboratory.
- Overnight general purpose shelter.
- Post office.
- Public or private school.

(3) All uses permitted in the underlying zoning district are allowed in an institutional overlay district.

(4) The zoning regulations of the underlying zoning district are applicable to an institutional overlay district unless otherwise provided in this section.

(b) Special yard, lot, and space regulations.

(1) In an institutional overlay district, additional setbacks, if any, for institutional buildings greater than 36 feet in height may be established by the site plan process.

(2) Buildings in an institutional overlay district must comply with applicable height regulations.

(3) If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(c) Special parking regulations.

(1) Required off-street parking for institutional uses may be located anywhere within the boundaries of the institutional overlay district or outside the district if the parking meets the requirements of Division 51A-4.320.

(2) Reserved.

(3) Reserved.

(d) Procedures for establishing an institutional overlay district.

(1) The applicant for an institutional overlay district shall comply with the zoning amendment procedure for a change in the zoning district classification.

(2) A site plan must be submitted after the institutional district is established and before a building permit or certificate of occupancy is issued.

(e) Site plan process.

(1) The building official shall not issue a building permit for additions to existing structures or for new structures except in accordance with an approved site plan and all applicable regulations.

(2) Preapplication conference. An applicant for site plan approval shall request, by letter, a preapplication conference with the director. The letter must contain a brief, general description of the nature, location, extent of the proposed institutional use and the list of any professional consultants advising the applicant concerning the proposed site plan.

SECTION 7

Correspondence

- Notice of May 7, 2018 Landmark Hearing
- Notice of application denied without prejudice
- Request to Appeal from applicant
- Appeal Procedures

April 27, 2018

David Ghaazee
3614 Meadow,
Dallas, TX 75215

**RE: Review of your Certificate of Appropriateness Application
3614 MEADOW ST
Item Number: CA178-487(MP)**

Dear: David Ghaazee

The Landmark Commission will discuss your Certificate of Appropriateness application.

What: Review of your Certificate of Appropriateness.

When: Monday, May 7, 2018 at: 1:00 P.M., during the public hearing.

Where: Dallas City Hall, 1500 Marilla Street, Council Chambers

The requests and recommendations are:

- 1) Construct two-story addition that connects main structure to existing accessory structure.
TF: Deny without Prejudice
Deny without prejudice the 2nd story of contributing structure. Ordinance 9.8 states that additions may not exceed height of contributing structure.
Staff: Deny without Prejudice
The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 9.8 which states that the height of additions is not to exceed the height of the contributing structure.

- 2) Add porch and railing to front elevation.
TF: Approve
Approve porch and railing on front of structure.
Staff: Approve
Approve drawings dated 4/18/18 with the finding the work is consistent with preservation criteria Section 4.1(b) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

- 3) Add front-facing gable to front elevation.
TF: Approve
Approve front facing gable of structure.
Staff: Deny 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 preservation criteria Section 6.1 which states that historic slope, massing, configuration, and materials of the roof must be preserved.

- 4) Replace all windows.
TF: Approve
Approve vinyl windows for all windows. Vote 3:1. For - Williams, Taylor, Harris. Against - Wallace. Reason for opposition: Vinyl windows are inappropriate. Wooden windows are what was originally there. Two remaining original windows should remain.
Staff: Deny 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 preservation criteria Section 5.3 which states that replacement windows must express profile, muntin and mullion size, light configuration, and material to match the historic.

- 5) Add door to left side elevation.
TF: Approve
Approve movement of door to left elevation.
Staff: Deny without Prejudice
The proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because applicant has provided insufficient information on the style and material of proposed door.

- 6) Replace front door.
TF: Approve
Approve front door with wood door.
Staff: Approve
Approve drawings and specifications dated 4/18/18 with the finding the work is consistent with preservation criteria Section 5.2 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

- 7) Replace aluminum siding with Hardie board.
TF: Approve
Approve aluminum siding replacement with Hardie board. Vote 3:1. For - Williams, Taylor, Harris. Against - Wallace. Reason for opposition: Wood siding is more historically appropriate.
Staff: Deny without Prejudice
The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.3 which states that wood siding must be restored wherever practical.
- 8) Paint existing brick. Brand: Behr - PPU24-22 'Shadow Mountain.'
TF: Approve with Conditions
Approve with condition of alternative color selection.
Staff: Deny without Prejudice
The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.1(e) which states that brick on protected facades may not be painted.
- 9) Expand approach on right side of existing driveway and expand driveway to proposed new structure.
TF: Approve
Approve widening of driveway entrance and addition of driveway in rear of structure.
Staff: Approve with Conditions
Approve site plan dated 4/18/18 with the condition that the approach and driveway are brush finish concrete with the finding the work is consistent with preservation criteria Section 3.3 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
- 10) Construct 8' wood fence with iron gates.
TF: Approve
Approve 8' wood fence with iron gate.
Staff: Approve with Conditions
Approve site plan and specifications dated 4/18/18 with the condition that the tops of the iron gates are horizontal with the finding the work is consistent with preservation criteria Sections 3.11(b), 3.12, 3.13, and 3.14 and meets the standards in City Code Section 51A-4.510(g)(6)(C)(i).
- 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 9:00 A.M., the same day, 5ES.

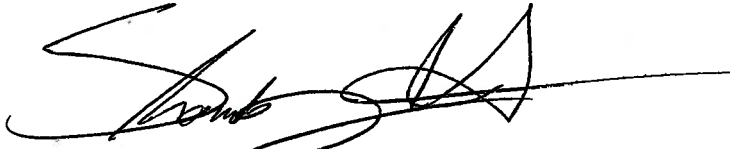
THESE RECOMMENDATIONS ARE NOT FINAL

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

David Ghazee
3614 Meadow,
Dallas, TX 75215

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 phone at (214) 670-4131 or email at marsha.prior@dallascityhall.com. Thank you for your cooperation.

A handwritten signature in black ink, appearing to read 'Marsha Prior', written in a cursive style.

For Marsha Prior
Sr. Planner

0000128

May 9, 2018

David Ghaazee
3614 Meadow,
Dallas, TX 75215

**RE: CA178-487(MP)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
3614 MEADOW ST**

Dear David Ghaazee:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on May 7, 2018.

Be aware that you may need to bring your CA and approved drawings and/or blueprints to Building Inspection for a building permit. Before starting any approved work, be sure to post your CA in a front window or other prominent location on the structure so it may be seen by City officials to ensure work is performed as approved by the Landmark Commission. Please see 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 June 6, 2018. For information regarding the appeals process, please call Elaine Hill at 214-670-4206.

Encl. Application for Appeal

If you have any questions, please contact me by phone at (214) 670-4131 or email at marsha.prior@dallascityhall.com.



Marsha Prior
Senior Planner

Enclosure

Certificate of Appropriateness

May 7, 2018

Standard	May 7, 2018	PLANNER:	Marsha Prior
FILE NUMBER:	CA178-487(MP)	DATE FILED:	April 6, 2018
LOCATION:	3614 MEADOW ST	DISTRICT:	Wheatley Place Historic District
COUNCIL DISTRICT:	7	MAPSCO:	46-U
ZONING:	PD-595	CENSUS TRACT:	0037.00

APPLICANT: David Ghaazee
REPRESENTATIVE:
OWNER: David & Trelia Ghaazee

The Landmark Commission decision is: Partially Approved

Information regarding requests:

- 1) Construct two-story addition that connects main structure to existing accessory structure.
Deny without Prejudice
Conditions: Deny without prejudice with the finding that the proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 9.8 which states that the height of additions is not to exceed the height of the contributing structure.
- 10) Construct 8' wood fence with iron gates.
Approve with Conditions
Conditions: Approve site plan and specifications dated 4/18/18 with the condition that the tops of the iron gates are horizontal with the finding the work is consistent with preservation criteria Sections 3.11(b), 3.12, 3.13, and 3.14 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
- 2) Add porch and railing to front elevation.
Approve
Conditions: Approve drawings dated 4/18/18 with the finding the work is consistent with preservation criteria Section 4.1(b) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
- 3) Add front-facing gable to front elevation.
Deny without Prejudice
Conditions: Deny without prejudice with the finding that the proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 6.1 which states that historic slope, massing, configuration, and materials of the roof must be preserved.
- l) Replace all windows.
Deny without Prejudice
Conditions: Deny without prejudice with the finding that the proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 5.3 which states that replacement windows must express profile, muntin and muillon size, light configuration, and material to match the historic.

Information regarding requests:

5) Add door to left side elevation.

Deny without Prejudice

Conditions: Deny without prejudice with the finding that the proposed work does not meet the standards in City Code Section 51A-4.501(g)(6)(C)(i) because applicant has provided insufficient information on the style and material of proposed door.

6) Replace front door.

Approve

Conditions: Approve drawings and specifications dated 4/18/18 with the finding the work is consistent with preservation criteria Section 5.2 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

7) Replace aluminum siding with Hardie board.

Deny without Prejudice

Conditions: Deny without prejudice with the finding that the proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(i) because it is inconsistent with preservation criteria Section 4.3 which states that wood siding must be restored wherever practical.

8) Paint existing brick. Brand: Behr - PPU24-22 'Shadow Mountain.'

Approve with Conditions

Conditions: Approve with condition of alternative color selection with the finding of the fact that the work will not have an adverse effect on the historic property.

9) Expand approach on right side of existing driveway and expand driveway to proposed new structure.

Approve

Conditions: Approve site plan dated 4/18/18 with the condition that the approach and driveway are brush finish concrete with the finding the work is consistent with preservation criteria Section 3.3 and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).



Landmark Commission Chair

May 7, 2018

Date

Please take any signed drawings to Building Inspection for permits.

0000131

Certificate of Appropriateness (CA)
City of Dallas Landmark Commission

CA 178-487(MA)
 Office Use Only

Name of Applicant: DAVID & TRELIA GHAAZEE
 Mailing Address: 3614 MEADOW STREET
 City, State and Zip Code: DALLAS, TX 75215
 Daytime Phone: (214) 542-7301 Fax: _____
 Relationship of Applicant to Owner: OWNER

OFFICE USE ONLY
 Main Structure:
 Contributing
 Non-contributing

PROPERTY ADDRESS: 3614 MEADOW ST, DALLAS, TX 75215
 Historic District: KHATEY PLACE

PROPOSED WORK:

Please describe your proposed work simply and accurately. DO NOT write "see attached." Attach extra sheets if necessary and supplemental material as requested in the submittal criteria checklist.

HOME REMODEL & NEW ADDITION, TO INCLUDE REPLACING THE EXISTING SIDING, PAINTING THE EXISTING BRICK, REPLACING ALL WINDOWS, ADDING A NEW FRONT DOOR, AND ADDING AN ADDITIONAL 9,000 SQUARE FEET OF SPACE TO THE EXISTING STRUCTURE

Signature of Applicant: David Ghazee Date: **RECEIVED BY**
 Signature of Owner: _____ Date: _____
 (IF NOT APPLICANT)

APR 05 2018

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

Masha Puri
 Sustainable Construction and Development

May 9 2018
 Date

APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is June 6, 2018

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

Office Use Only Date Received

Landmark Case/File No.: CA178-487(MP)

Property Address: 3614 MEADOW ST.

Date of Landmark Commission Action: May 7, 2018

Applicant's Name: David + Trelia Chazee

Applicant's Mailing Address: 3614 Meadow St.

City: Dallas State: TX Zip: 75215

Applicant's Phone Number: 214.542.1309 Fax: _____

Applicant's Email: ghazee@sbcglobal.net

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

Owner's Name: _____

Owner's Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner's Phone Number: _____ Fax: _____

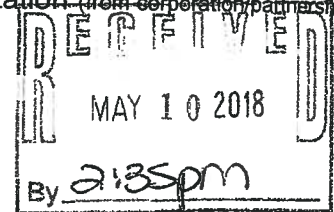
Owner's Email: _____

[Signature]
Applicant's Signature Date 5.9.18

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

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

0000133



**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.

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

(Revised April 2014)

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- a. The City Plan Commission may grant a postponement if it wishes.
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- 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.
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- 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.