

SECTION 5

Transcript of the
December 3, 2018
Landmark Commission
Hearing
4523 Sycamore Street
CA189-088(MLP)

TRANSCRIPTION OF EXCERPT OF AUDIO RECORDING

LANDMARK COMMISSION PUBLIC HEARING

CITY OF DALLAS, TEXAS

CASE CA189-088 (MLP)

4523 SYCAMORE STREET

DATE OF HEARING: DECEMBER 3, 2018

DATE OF TRANSCRIPTION: JANUARY 30, 2019

1 T R A N S C R I P T I O N

2 CHAIRWOMAN SEALE: We're going to swing back
3 to discussion and pick up D-2.

4 UNKNOWN SPEAKER: Discussion Item No. 2,
5 4523 Sycamore Street, CA189-088 (MLP).

6 Request No. 1; replace all siding on main
7 structure with Hardie board siding. Work completed
8 without certificate of appropriateness.

9 Request No. 2; replace thirteen wood windows
10 on main structure with vinyl windows. Work completed
11 without certificate of appropriateness.

12 Request No. 3; replace wood columns on front
13 porch of main structure. Work completed without
14 certificate of appropriateness.

15 Request No. 4; install new door. Work
16 completed without certificate of appropriateness.

17 Staff recommendation. No. 1; deny without
18 prejudice.

19 The completed work does not meet the
20 standards in City Code Section 51A-4.501G6C(i) because
21 it is inconsistent with the preservation criteria,
22 section 3.2, that states the reconstruction, renovation,
23 or repair of opaque elements of the protected facades
24 must employ materials similar to the original materials
25 in texture, color, pattern, grain and module size as

1 much as practical.

2 Item No. 2; deny without prejudice.

3 The proposed work does not meet the
4 standards in City Code section 51A-4.501G6C(i) because
5 it is inconsistent with the preservation criteria,
6 section 3.10, that states where replacement of an
7 original door or window is necessary, replacement doors
8 and windows must express mullion size, light
9 configuration, and material to match the original doors
10 and windows.

11 Item No. 3; deny without prejudice.

12 The proposed work does not meet the
13 standards in City Code, Section 51A-4.501G6C(i) because
14 it is inconsistent with the preservation criteria,
15 section 3.20, that states all original columns,
16 railings, and other trim and detailing that are part of
17 the porch or balcony configuration must be preserved.

18 Item No. 4; deny without prejudice.

19 The completed work does not meet the
20 standards in City Code, Section 51A-4.501G6C(i) because
21 it is inconsistent with the preservation criteria,
22 section 3.10, that states where replacement of an
23 original door or window is necessary, replacement doors
24 and windows must express mullion size, like
25 configuration, and material to match the original doors

1 and windows.

2 UNKNOWN SPEAKER: Task force recommendation.

3 No. 1; deny.

4 Deny Hardie siding on all facades and
5 recommend replacing with wood siding.

6 No. 2; deny.

7 Deny replacement of wood windows with vinyl
8 windows, of wood windows with vinyl windows.

9 No. 3; deny.

10 Deny three middle columns at front porch.
11 Reconstruct one column to be symmetrical with the left
12 most column on the front gable.

13 No. 4; deny.

14 Deny front door and replace with wood door
15 either one-half or three-quarters glass light.

16 CHAIRWOMAN SEALE: We have one speaker here
17 today. Is it Ms. Neifeller?

18 MS. NEIFELLER: It's Neifeller.

19 CHAIRWOMAN SEALE: Neifeller, excuse me.

20 MS. NEIFELLER: That's all right. I'm
21 actually here on behalf of Mr. Coray, he's in Albania
22 and couldn't be here, and English is not his first
23 language and I am their listing agent.

24 I'm kind of old school so I made copies. I
25 don't know if I have enough to maybe spread out between

1 you. Talk about full service real estate, I am not
2 getting paid for this.

3 So I'll wait until she hands these out so
4 you guys can see photos just in case you haven't seen
5 them before of when Mr. Coray purchased the property on
6 Sycamore Street.

7 So the picture on the property is
8 representative of how the property looked, also the
9 single handouts of the property when he purchased it.
10 There were homeless people living in the home when he
11 purchased it. There were homeless people living in the
12 home when he purchased it.

13 There was not a door. And most of the
14 windows had been broken out. If you'll please refer to
15 the first page, the certificate of appropriateness,
16 originally it said replace 100 percent of wood siding on
17 the main structure with Hardie board.

18 There was no wood siding on this property.
19 I'm sure there was in 1910, but there wasn't two years
20 ago when this was purchased.

21 If you look at the second page on the MLS
22 from when he purchased, the listing agent at that time
23 had written that the outside has painted asbestos
24 shingles.

25 If you'll also note on that picture that

1 there was no railing and that there was one tiny column
2 holding up the front of that house.

3 As we turn to the next page, I've actually
4 made copies from the Landmark -- your guidelines. If
5 you can refer to 3.2 where it says reconstruction,
6 renovation, or repair of the opaque elements of the
7 ~~protected facades must employ materials similar to the~~
8 original materials in texture, color, pattern, grain and
9 module size as much as practical.

10 Now, there has been a little bit of a
11 communication issue, I believe, because my clients, they
12 are American citizens, but English is not their first
13 language.

14 So there was no wood on this property. So
15 it wasn't as if Mr. Coray tore down this beautiful
16 historic home and ripped the wood off only to put up
17 Hardie board. That was not the case.

18 If you'll turn to the next page, 2.2, the
19 existing original and historic structures must be
20 retained and protected.

21 Now, if you notice at the top of my -- you
22 had a picture up before of the front of the house. He
23 did preserve the upper right gable and that whole area
24 is original. That was really the only thing that was
25 able to be salvaged.

1 If you'll turn to the next page, 3.6, wood
2 siding, trim, and detailing must be carefully restored
3 wherever practical. Historic materials should be
4 repaired. They may be replaced only when necessary.

5 And at the bottom of that paragraph,
6 imitation materials are allowed on accessory structures
7 only if they're in keeping with the style and materials
8 on the main structure.

9 If you'll turn to the next page, there's a
10 picture and this is an advertisement from Hardie board
11 where people use this all over the country to get that
12 authentic look without cutting down trees.

13 If you'll turn to the next page, there's a
14 representation of a historic home which absolutely looks
15 historic.

16 Now I'm going to take you to this page, if
17 you can find this page, we're going to go through the
18 next few pages of these beautiful eyesores that are on
19 Sycamore that are not historic. So we're not dealing
20 with a street that is beautiful and historic like Swiss
21 Avenue.

22 I'm in real estate. I love what I do. I
23 love what you guys are doing. I love that you're
24 preserving our neighborhoods. This is what I do. I
25 sell houses and so when I sell a house in Winnetka,

1 which I have, I appreciate the work that you've done.

2 But please flip through one and then the
3 second one, and then the third one and then the fourth
4 and then the fifth, and then the sixth until you get to
5 this one. This is the neighbor's house, which actually
6 is under contract and pending to sell.

7 ~~It's also asbestos siding, it's not wood.~~

8 Now if you'll flip to the next page, you'll see some of
9 the beautiful historic homes on Sycamore. You can look
10 at this one, beautiful historic, this one, this one is
11 not historic, this is a brand new home that was allowed
12 to be built and it has Hardie board siding. It's on
13 Sycamore.

14 And then the next page is a representation,
15 I actually Googled -- I went to North Texas. I have a
16 degree in art, I know a little bit about what I'm
17 talking about. I've been a broker for fifteen years.

18 This is a 1900 home with the same size
19 columns --

20 UNKNOWN SPEAKER: Ms. Neifeller, I'm sorry,
21 you're over on your five minutes. Could you sum up in
22 about fifteen seconds?

23 UNKNOWN SPEAKER: Yes, of course. So look,
24 I'm here because the main reason for you guys and the
25 Landmark is to keep a historical feel in the

1 neighborhood and I get that and appreciate it.

2 And when you drive down this street, this
3 home looks historical. It doesn't stick out, it's not
4 an eyesore. Now, what you haven't asked him to do,
5 which I believe would help me sell this house and be
6 more aesthetic, is to paint these columns the lighter
7 color.

8 Because in the early 1900s the columns were
9 contrasting. How that you-all ever allowed that, I
10 don't know, but the paint was approved.

11 So what we're asking is to replace the front
12 vinyl window with a glass window, historic window and
13 paint the columns. And I will have them paint the
14 railings too. So the average person driving by is not
15 going to say those railings are three inches too high.

16 It looks historical and he's improved this
17 neighborhood. And I feel that with these couple of
18 additions, the home from the front facade will look
19 historical and it will improve this neighborhood.

20 UNKNOWN SPEAKER: Thank you. Commissioner
21 Montgomery.

22 MS. MONTGOMERY: I represent District 2, I'm
23 appointed by the Deputy Mayor Pro Tem Adam Medrano to
24 this commission and this is part of the District 2.

25 Deputy Mayor Pro Tem Medrano is very

1 supportive of the historic districts. So I live in the
2 Peak's Addition neighborhood. I do not live close
3 enough to this house that its future or its appearance
4 matter to me except that, like all the other people who
5 own property in Peak's Addition, we have gained value.

6 As Chairwoman Seale has been explaining,
7 every building in that district gains value from the
8 beauty that is created and maintained by our ordinance.

9 All right, now I see that when this -- when
10 your client originally bought this, it was disclosed on
11 the advertisement or on the Realtors description of it
12 that it was in an historic district.

13 UNKNOWN SPEAKER: Yes.

14 MS. MONTGOMERY: And we hate to see people
15 come in who have spent a lot of money doing things to
16 their house that would not have been approved had they
17 followed the procedures to ask for certificate of
18 appropriation -- of appropriateness, which is exactly
19 what happened here, right?

20 UNKNOWN SPEAKER: I think there was a
21 miscommunication between the seller and what he was
22 supposed to do and he apologizes.

23 MS. MONTGOMERY: We all encourage sellers
24 and Realtors to help make sure buyers know what they're
25 doing. We wouldn't want another bad thing to happen and

1 have the next buyer inherit a problem created by your
2 client.

3 We have actually seen people come in with
4 their -- bought their new house and they're real happy.
5 And then they get notice that there's things wrong with
6 it that have not been approved, that they're in
7 violation of zoning law because that's what is going on
8 here.

9 This is a zoning law and this house has had
10 changes that violate that because they did not get
11 approval of it. You pointed out that Sycamore Street
12 may not be exactly like the rest of Peak's Addition, but
13 it has improved so much over the twenty years that I
14 have lived near there.

15 It has several houses that are
16 non-contributing. You showed two that are duplexes that
17 were built like in the 40s as war worker housing. They
18 don't look anything like the rest of it.

19 It has many examples that detract from the
20 historic appearance of the street, and that makes it a
21 good reason to never let one more happen because we're
22 about to the tilting point where it will lose its
23 historic character which would cost value to all those
24 beautiful houses you showed, some of which have been
25 restored in the last five years, taking advantage of the

1 increased value overall for the whole neighborhood.

2 UNKNOWN SPEAKER: I actually didn't take
3 pictures of all of the ones that are not historic on
4 that street.

5 MS. MONTGOMERY: Yeah, well, I've walked
6 there. I've seen them all. There are lovely ones
7 ~~there, including a bungalow that was recently listed for~~
8 twice what I paid for my larger house on Swiss a long
9 time ago. They are benefitting from what our
10 neighborhood has done.

11 UNKNOWN SPEAKER: That house did not sell,
12 it was taken off the market. It's really hard to sell a
13 house on that street due to the current situation in
14 that area.

15 MS. MONTGOMERY: Well, we hope that it will
16 get better and better and it has gotten better and
17 better in the past two decades.

18 To your point that the house had asbestos
19 shingles on it before, it had asbestos shingles on it
20 when the ordinance was put in place, so those shingles
21 were grandfathered in because they were already there
22 and we don't go back and make people change things
23 that's already there.

24 But when it was time to take them off, we
25 always first look and see if the original wood shingles

1 were underneath because sometimes the people who added
2 the asbestos saved themselves some effort by just
3 putting it over the original ones. But when you want to
4 do that, you have to come through the process and get
5 approval of what's going on there.

6 We do not tend to approve Hardie board for
7 main structures. The part you sided was for accessory
8 structures and certainly it is not seen in Peak's
9 Addition.

10 Hardie board does not look exactly the same
11 as the same wood siding. We're all hoping some day
12 they'll start making it so it does, but they're not
13 there yet.

14 I think that what was done to this house
15 obviously inadvertently is an egregious example of not
16 understanding how each and every design decision
17 contributed to whether it looked historic or not.

18 It doesn't look like the expectation of the
19 ordinance and the neighborhood, particularly the
20 columns. Their placement is just strange, no standard
21 of aesthetic or architecture would place columns like
22 that across the house.

23 Yes, it was in bad shape before all of this
24 happened, but it did look closer to what it should look
25 like. I'm very sympathetic and always was when your

1 client came in here talking about how he had done all of
2 this and, oh, the poor man, he just wanted to make his
3 home better for himself and his family and he didn't
4 understand the governing rules.

5 I don't know what we do in all fairness at
6 that point, but now the house is for sale. And that
7 ~~changes everything because someone else is going to buy~~
8 that house and we don't want them to inherit the problem
9 that your client has --

10 UNKNOWN SPEAKER: That's why I'm here.

11 MS. MONTGOMERY: But the solutions offered
12 so far are not -- not enough to bring it back to a
13 contributing member of our neighborhood contributing to
14 the value.

15 So unless there is an agreement to bring it
16 back to what will be in keeping with the ordinance and
17 contribute to aesthetic expectations of the
18 neighborhood, I will not be able to support any motion
19 that does not do that, as sympathetic as I am to your
20 client and the unfortunate series of circumstances that
21 have befallen him.

22 UNKNOWN SPEAKER: Thank you, Commissioner
23 Montgomery. Commissioner Strickland.

24 MS. STRICKLAND: I appreciate the
25 discussion, Commissioner Montgomery, on the columns. I

1 agree, they do not have any historic bearing on the
2 structure. The original placement of that made much
3 more sense and this visually cuts the window and the
4 door and does not match anything else you see in the
5 neighborhood at all.

6 Further, I'd like to point out in the
7 ~~listing it shows this is in an historic district and~~
8 then it states that the repairs and changes to the
9 building were all done --, are all permitted with the
10 City of Dallas. And it has certain things that are
11 listed as being permitted.

12 I'm concerned as this is about to be turned
13 over to a new owner --

14 UNKNOWN SPEAKER: No, it's not about to be
15 turned over to a new owner.

16 MS. STRICKLAND: It's for sale.

17 UNKNOWN SPEAKER: We don't have a contract.
18 There's nothing.

19 MS. STRICKLAND: It is currently for sale,
20 correct?

21 UNKNOWN SPEAKER: It is.

22 MS. STRICKLAND: And this is the listing
23 that's currently up about this house?

24 UNKNOWN SPEAKER: It is.

25 MS. STRICKLAND: Yes. And it currently says

1 that it's all permitted with the City of Dallas?

2 UNKNOWN SPEAKER: Yes.

3 MS. STRICKLAND: In 2018?

4 UNKNOWN SPEAKER: Yes.

5 MS. STRICKLAND: And --

6 UNKNOWN SPEAKER: I have the copy of the
7 permits from the seller.

8 MS. STRICKLAND: For the things listed
9 there. But we have other things here that have been
10 previously denied, and none of that is disclosed on the
11 listing, correct?

12 UNKNOWN SPEAKER: Yes. I wasn't thinking
13 about the architecture, I'm talking about electrical,
14 things that real estate people think, not historical,
15 electrical, you know, a lot of people do work to their
16 house and they don't get it permitted.

17 MS. STRICKLAND: And being in an historic
18 district these changes also need to be approved and have
19 not been. In fact, they were denied and none of it was
20 changed. And so we're now facing a house that's being
21 listed at \$262 a square foot to get Hardie board siding
22 instead of sticking with the criteria of the
23 neighborhood to have wood siding in place.

24 And that's another reason why I will not be
25 supporting a motion that would allow for Hardie board on

1 a house that's taking advantage of the historic district
2 at an impressive price per square foot, but is trying to
3 replace it with material that's not consistent with the
4 historic character of the neighborhood.

5 UNKNOWN SPEAKER: I spoke to Sarah at the
6 EPA before my meeting and she said that with asbestos it
7 is better to leave it in place and build on top of it.
8 The removal of asbestos is very dangerous to the
9 environment as we all know in here. And they did not
10 recommend the removal of the asbestos shingles.

11 It is what it is. It has Hardie board. The
12 house was \$80,000 when it was purchased. If for some
13 miracle I could sell this house in the 300s it would be
14 the highest price per foot ever sold in this
15 neighborhood.

16 So I understand what you're doing, I
17 understand your side, believe me, and I get about
18 visuals. But is there a compromise? It would literally
19 break this family, who has a new baby, to take off all
20 of the Hardie board and then you have to call in
21 asbestos removal.

22 Do you know how much that costs? And to be
23 on Sycamore Street, not worth it, it would ruin them as
24 a family. They don't have the money. Right now, do you
25 know why they have the house for sale? Because his

1 mother is ill and he's in Albania and they need to move
2 back to Albania. I know that has nothing to do with the
3 Landmark Commission, but it's keeping me from selling
4 this house.

5 I can't accept any offers right now because
6 I have to disclose all of this. So we're looking for a
7 compromise to make it look more aesthetic from the
8 street to the average person. You guys are experts in
9 historic and I get it.

10 But have you ever driven down this street?
11 It is not like we're driving down Swiss Avenue. This
12 was an improvement to this neighborhood, I can assure
13 you. I know that there are some columns that are off,
14 but if we could paint or replace a door or a window --

15 CHAIRWOMAN SEALE: Ms. Neifeller, I'm going
16 to interrupt you because it's not the -- it's not the
17 job of this commission to design up here at the
18 horseshoe for you. In fact, and we can't do that
19 outside of this horseshoe because we're quasi judicial,
20 so that's really the burden on the applicant to read and
21 understand the ordinance.

22 Staff is there to help assist with that so
23 that you understand what the goals are, what is -- what
24 the ordinance means when it says no imitation materials
25 are allowed on primary structures.

1 I mean, it's really clear. These are very
2 egregiously outside. There's not even a little wiggle
3 room in some of this request. There are no approved
4 primary structures in Peak's Suburban that have Hardie
5 board on them that we're aware of.

6 So there is always room for flexibility.

7 ~~You see up here, we do our best to try to make -- to try~~
8 and make adjustments for applicants. That's why we meet
9 until 7 o'clock at night. And I don't think it's a fair
10 statement on your part.

11 You don't know how we operate. You don't
12 know the bounds that we all take to try to meet people
13 with something that's reasonable. But our
14 responsibility is to make sure that we uphold the value
15 that all of the other homeowners are held to.

16 And if for some reason we make an exception
17 for you, what's the next person behind you, why would
18 they not come and say, hey, look, you let them do all
19 these things that aren't allowed, why can't we do it?

20 It's a tough position that we're in, but
21 that's what we were asked to do, that's our charge. And
22 so we would like to see an application. We would love
23 to see an application come forward that is something
24 that is more compliant with the district.

25 And I'm just, further, that we see houses in

1 this condition all of the time, we're used to working in
2 these districts and these neighborhoods. So it can be
3 done. There is value to support changes that are more
4 in keeping with the district.

5 So you know, you would serve yourself well
6 to try to get somebody in the private sector to help you
7 put together an application that is more in keeping with
8 what is called out for in the ordinance.

9 Commissioner Sherman.

10 MS. SHERMAN: I have a motion.

11 CHAIRWOMAN SEALE: Let me ask if there are
12 any other questions. A few of you've got your lights
13 on. Commissioner Williams?

14 Commissioner Flabiano.

15 MR. FLABIANO: I have a question. So what
16 are the materials you -- I think you gave us this and
17 passed it around, so that appears to be asbestos
18 shingles over wood siding.

19 I'm not sure if they encapsulated everything
20 because you have wood siding --

21 UNKNOWN SPEAKER: I don't know.

22 MR. FLABIANO: -- with asbestos shingles
23 over the top. I guess what you said, they put Hardie
24 board over that; is that correct?

25 UNKNOWN SPEAKER: Yes.

1 CHAIRWOMAN SEALE: Commissioner Sherman.

2 MS. SHERMAN: I have a motion, Madam Chair.

3 CHAIRWOMAN SEALE: I think we're ready.

4 MS. SHERMAN: With respect to discussion
5 Item 2, 4523 Sycamore Street in the Peak's Suburban
6 Addition, CA189-088 (MLP), I move that the commission
7 with respect to Items 1, 2, 3, and 4 deny without
8 prejudice as recommended by staff.

9 CHAIRWOMAN SEALE: Do I have a second?
10 Thank you, second from Commissioner Amonett.

11 Any discussion, Commissioners? If not,
12 we'll call for a vote -- Commissioner Spellicy.

13 MS. SPELLICY: I have a question in regards
14 to continuing to deny without prejudice based on the
15 ongoing nature of this case, in that it continues to
16 come back before the commission with no movement or
17 change or desire to do that.

18 And so I would like to perhaps, it's a
19 question for Commissioner Sherman in regards to making
20 that motion, whether or not it's an appropriate time to
21 going ahead and just move to a straight denial.

22 MS. SHERMAN: I would accept that amendment.

23 CHAIRWOMAN SEALE: Okay. So the amendment
24 to the motion is to do a straight denial, which would
25 mean that you -- your client would not be able to return

1 with the same application for a year.

2 UNKNOWN SPEAKER: We will appeal.

3 CHAIRWOMAN SEALE: They would have to come
4 in with a new application to make it compatible with the
5 district or offer new testimony. Somehow the
6 application would change.

7 ~~So all of those in favor~~

8 UNKNOWN SPEAKER: I just have a question.

9 CHAIRWOMAN SEALE: Oh, we just need to check
10 with Commissioner Amonett to see if he's okay with that.
11 Okay.

12 Commissioner Sherman, did you have something
13 further?

14 So all of those in favor of the motion,
15 please say aye. Any opposed? Okay, so motion carries
16 unanimously. And you do have 30 days to appeal our
17 decision to the City Planning Commission.

18 UNKNOWN SPEAKER: Thank you, and we will do
19 so.

20 CHAIRWOMAN SEALE: D-3.

21 (End of audio file excerpt.)

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1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, Leslie McDonald Wilkins, Registered Professional
4 Reporter No. 029319, certify that the foregoing
5 proceeding was transcribed from an audio recording and
6 that it was transcribed to the best of my ability.

7 GIVEN UNDER MY HAND on this the 30th day of January,
8 2019.

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