

**FILE NUMBER:** Z223-306(RD)

**DATE FILED:** June 5, 2023

**LOCATION:** 4107 Turtle Creek Blvd (on the west side of Turtle Creek Boulevard south of Wycliff Avenue)

**COUNCIL DISTRICT:** 14

**MAPSCO:** 35-T

**SIZE OF REQUEST:** .759 acres

**CENSUS TRACT:** 0006.06

**APPLICANT/OWNER:** Beverly K. Ray Trust

**REPRESENTATIVE:** Nancy McCoy

**REQUEST:** An application for a Historic Overlay for the Burgher Residence (4107 Turtle Creek Boulevard), on property zoned a R-7.5 (A) Single Family District on the west side of Turtle Creek Boulevard, south of Wycliff Avenue.

**SUMMARY:** The Burgher Residence is one of the last remaining historic single family residences with frontage on Turtle Creek Boulevard. Representing the vision of the City of Dallas and George Kessler regarding urban design, picturesque Turtle Creek Blvd is viewed as a long standing urban planning success story. The building is significant as an example of the Spanish Revival style and the residential architecture of Flint & Broad. Thomas Broad considered this residence to be among his most accomplished works. The craftsmanship, degree of historic integrity, design, and setting offer a now-rare opportunity to tell the story of the development of this area. Furthermore, the original owners, the Burgher family were prominent in the real estate, banking and insurance industries and members of the family held prominent positions in Dallas's cultural and business communities. The period of significance for the site is 1924 to 1971. The site meets seven (7) criteria for designation. It is only required to meet three (3) to be considered eligible.

**STAFF RECOMMENDATION:** Approval, subject to preservation criteria.

**LANDMARK COMMISSION RECOMMENDATION:** Approval, subject to preservation criteria.

## BACKGROUND INFORMATION:

- The Burgher Residence is a two-story Spanish Revival style manor with some Italian or Renaissance features; constructed circa 1925. Designed by Dallas based architects Lester N. Flint and Thomas D. Broad, the building's setting along Turtle Creek's (a ravine of the Trinity River) greenbelt and zoning setback are reflective of the City Beautiful movement design principles, embraced by George Kessler – author of Dallas's managed growth plan from 1910 through the 1930s.
- The building is a rectangular block with a low-pitch red clay tile roof, with a modest overhang supported by shallow wood brackets. Within the rectangular volume are inset porches and terraces; the exception being the front elevation which has a full width terrace accessible via steps, on the north side. The building's fenestration is asymmetrical with many of the windows having arches and the front entrance having an elaborate surround. The exterior cladding is a warm pink masonry stucco and ornamental iron work is used for window grilles, light fixtures, railings and hardware. Both the main residence and the original accessory structure (a two-story garage) are historic.
- The residence was initially built for Ballard M Burgher and his wife Jessie B. (William) Burgher. Mr. Burgher unfortunately passed away in Galveston, TX a few months prior to the home's completion. However, members of his family occupied the home from 1925-1971.
- Mr. Burgher, the family patriarch was appointed by President Woodrow Wilson as Postmaster for Dallas in 1913 and served 8 years in that role. He was also a member of several masonic bodies, civic organizations and business related boards.
- Alterations of note were made to the estate in 2013, including a rear addition to expand the kitchen and extensive landscape improvements.
- The Landmark Commission authorized the public hearing on February 6, 2023, to pursue local designation.
- The Designation Committee of the Landmark Commission met twice to review and make improvements to the landmark nomination form and the preservation criteria.
- The Designation Committee approved the designation report, comprised of the landmark nomination form and preservation criteria, on May 18, 2023.
- The Landmark Commission approved the designation on June 5, 2023 subject to the preservation criteria.
- The historic landmark designation will not change the land use.

## **STAFF ANALYSIS:**

### **Comprehensive Plan:**

The proposed historic overlay is consistent with the Land Use Element, of the 2006 *forwardDallas!* Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation of open spaces that are historically and environmentally significant creates a direct, visual link to the past, contributing to a "sense of place."

## **LAND USE ELEMENT**

### **GOAL 1.1 Align Land Use Strategies with Economic Development Priorities**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

### **GOAL 1.2 Promote Desired Development**

Policy 1.2.2 Establish clear and objective standards for land use planning.

## **ECONOMIC ELEMENT**

### **GOAL 2.5 Foster a City of Great Neighborhoods**

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**LANDMARK COMMISSION ACTION:** (June 5, 2023)

This item appeared on the Commission's discussion agenda.

Motion: Approval, subject to preservation criteria.

Maker: Guest

Second: Sherman

Results: 15/0

Ayes: Fogleman, Gibson, Guest, Hajdu,  
Hinojosa, Livingston, Montgomery, Offutt,  
Renaud, Slade, Sherman, Spellicy,  
Swann, Rothenberger, Velvin

Against: None

Absent: None

Vacancies: None

**Dallas Landmark Commission  
Landmark Nomination Form**

**1. Name**

*Historic:*  
*and/or common:* Burgher Residence  
*Date:* 1925

**2. Location**

*Address:* 4107 Turtle Creek Boulevard  
*Location/neighborhood:* Oak Lawn  
*Block:* 3/2064 *lot:* 2 *land survey:* 2018 *tract size:* .759 acres

**3. Current Zoning**

*current zoning:* R-7.5; PD 193 – Oak Lawn; Turtle Creek Setback Corridor

**4. Classification**

<i>Category</i>	<i>Ownership</i>	<i>Status</i>	<i>Present Use</i>	<i>_____museum</i>
<i>_____district</i>	<i>_____public</i>	<i>_____X occupied</i>	<i>_____agricultural</i>	<i>_____park</i>
<i>X building(s)</i>	<i>X private</i>	<i>_____unoccupied</i>	<i>_____commercial</i>	<i>X residence</i>
<i>_____structure</i>	<i>_____both</i>	<i>_____work in progress</i>	<i>_____educational</i>	<i>_____religious</i>
<i>X site</i>	<i>Public</i>	<i>Accessibility</i>	<i>_____entertainment</i>	<i>_____scientific</i>
<i>_____object</i>	<i>Acquisition</i>	<i>X yes: restricted</i>	<i>_____government</i>	<i>_____transportation</i>
	<i>_____in progress</i>	<i>_____yes: unrestricted</i>	<i>_____industrial</i>	<i>_____other, specify</i>
	<i>_____being consider'd</i>	<i>_____no</i>	<i>_____military</i>	<i>_____</i>

**5. Ownership**

*Current Owner:* Beverly K Ray Trust  
*Contact:* Beverly Ray *Phone:* 214 443-6030  
*Address:* 10260 Strait Lane *City:* Dallas *State:* TX *Zip:* 75229

**4. Form Preparation**

*Date:* March 31, 2023  
*Name & Title:* Nancy McCoy, FAIA, FAPT, Partner  
*Organization:* McCoy Collaborative Preservation Architecture  
*Contact:* Nancy McCoy

**7. Representation on Existing Surveys**

*Alexander Survey (citywide):* *local* *state* *national*  
*National Register*  
*H.P.L. Survey (CBD)* *A* *B* *C* *D* *Recorded TX Historic Ldmk*  
*Oak Cliff* *TX Archaeological Ldmk*  
*Victorian Survey*  
*Dallas Historic Resources Survey, Phase* *\_\_\_\_\_* *high* *medium* *low*

*For Office Use Only*

*Date Rec'd:* \_\_\_\_\_ *Survey Verified:* Y N *by:* \_\_\_\_\_ *Field Check by:* \_\_\_\_\_ *Petitions Needed:* Y N  
*Nomination:* *Archaeological* *Site* *Structure(s)* *Structure & Site* *District*

## 8. Historic Ownership

<b>Original owner:</b>	1925 – 1941	Ballard M. and Jessie Burgher
<b>Significant later owner(s):</b>	1945 – 1957	Robert S. and Caroline Burgher
	1957 – 1971	Caroline Burgher
	1973 – 1983	Ward and Catherine Wilcox
	1983 – 1986	Catherine Wilcox
	1987 – 2010	James and Catherine (Wilcox) Shaw <sup>1</sup>
	2011 – 2018	Robert and Danyne Thomas
	2019 – present	Beverly Ray Trust

## 9. Construction Dates

<b>Original:</b>	1925 <sup>2</sup>
<b>Alterations/additions:</b>	2013 Renovation and addition to house and grounds <sup>3</sup>

## 10. Architect

<b>Original construction:</b>	1925 Flint & Broad
<b>Alterations/additions:</b>	2013 Robert Bellamy Design and Construction (landscape) 2013 Moore Design Build (architecture)

## 11. Site Features

**Natural:** A variety of mature trees exist in the front yard, which also features its natural terrain sloping toward Turtle Creek.

**Urban design:** The Burgher Residence is a now rare example of the early 1910s and 1920s residences that once lined the newly constructed Turtle Creek Boulevard and Turtle Creek Park, representing the vision of the City of Dallas and George Kessler. The current zoning includes PD 193 Oak Lawn and the Turtle Creek Setback Corridor, both of which are examples of urban design codified into zoning. The subject property was developed before the Setback Corridor but the house is sited on the lot with more than the required set-back for the front yard.

## 12. Physical Description

Condition, check one:

☒ excellent

☐ good

☐ fair

☐ deteriorated

☐ ruins

☐ unexposed

☐ unaltered

☒ altered

Check one:

☒ original site

☐ Moved (date \_\_\_\_\_)

### Neighborhood and Site

The property is located in the Oak Lawn area of Dallas, the third lot south of the intersection of Fitzhugh/Wycliff Avenue on the west side of Turtle Creek Boulevard, on the boundary of Dallas and Highland Park. The original property was subdivided as part of the Highland Park Acreage Addition. The three lots closest to Wycliff Avenue retain historic single-family houses on  $\frac{3}{4}$  acre or larger lots, consistent with the initial 1910s vision and the 1920s-1940s development along Turtle Creek Boulevard. The post war years, particularly the late 1950s, brought significant change to that development with the construction of low-rise apartment complexes and 3525 Turtle Creek Boulevard, the first high-rise multi-family apartment building in the area, which influenced future development that now includes several high-rise residential and commercial buildings, and lower scale but high-density residential developments. The Park Cities Presbyterian Church, recently expanded, occupies the property to the immediate west of the subject property. A large parcel of land to the south is currently undeveloped. To the north is Highland Park where Turtle Creek Boulevard becomes Lakeside Drive on which are large lots and grand residences consistent in scale and age with 4107 Turtle Creek Boulevard.

The property has 110 feet of frontage on Turtle Creek Boulevard, is approximately 285 feet deep and includes a 25 feet x 59 feet leg that connects the property to an alley with access to Wycliff Avenue. The house is sited toward the back and north side of the property leaving a side yard on the south and the large front yard on the east. A driveway and gate is located off of Turtle Creek Boulevard leading to a brick-paved driveway along the north side of the house at the edge of the property, which connects with the garage near the west property line. The site grade elevation drops approximately 22 feet from the west to the east. A stone retaining wall, approximately 3 feet in height, retains the slope along the sidewalk of Turtle Creek Boulevard. The site contains many mature trees and extensive landscape and hardscape features in excellent condition.

### Alterations to the site

The historic site plan drawing indicates the location of the house, walkways and driveways, but not the landscape design, and includes the location of a number of then- existing trees in the front yard, which are labelled as to species and size. The trees shown include Locust, Cedar, Elm, Chinaberry, Bois D'arc, Chitum, and one oak. The size of the trees ranges from 1 inch to 10 inches in diameter. The historic site plan also denotes spot grade elevations that describe the slope of the site, which falls approximately 22 feet from the west to the east. With the exception of the mature elm trees, some over 50 feet tall, the original tree species are no longer present. No other documentation of the original landscape has been found, except for an account in the newspaper of daughter Laura Burgher's wedding which took place on the property in 1927 and described it as an "Italian garden."

According to the prior owner who acquired the property in 2011, the site was overgrown and unmaintained at that time. The current landscape features were mostly installed as part of a major renovation of the property completed in 2013 and designed by Robert Bellamy Design and Construction. The mature trees in the front yard were retained and new trees were added. This renovation introduced a three-level tiered design for the site. The highest level, located on the west end of the site, includes a *parterre* garden and hen house and is several steps higher than the main level of the house. Below this is the second level with a fountain and swimming pool at the same level as the house. The final level, which is approximately 5 feet lower, includes the front yard, which appears to retain some of its natural form with a shallow ravine running from south to north diagonally across the yard and a significant slope near the property line along Turtle Creek. The front yard incorporates foot paths to special features that include a bird cage, small pond and fireplace scattered across the yard. This renovation also included reconfiguration of the driveway and construction of a stucco wall and entrance gate off Turtle Creek Boulevard. In 2019, the current owner made some minor modifications to the pond and added the iron bollards and chains to one side of the driveway.

### **House and Accessory Buildings**

The Burgher Residence is representative of the popular revival styles of the early twentieth century of an affluent owner living in close proximity to the city center. The style is Spanish Revival, although there are components of the Italian or Renaissance Revival style, as the home has been classified in the past. Like most stylistic terms, neither is completely accurate as there is some eclecticism involved. Both the house and the garage, each with additions, are historic.

According to Virginia McAlester's *A Field Guide to American Houses*, the Spanish Revival style spanned from 1915-1940 in the US and is characterized by a low pitched hip roof with little or no overhang, one or more prominent arches, stucco as the primary material, asymmetrical façade arrangement, and the use of decorative tile, balconettes, iron light fixtures, various types of arches, iron or wood railings, spiral columns, a heavily carved wood front door and one large focal window. By comparison, the Italian Renaissance style spanned from 1890-1935 and is characterized by a low-pitched tile roof, wide overhangs and eaves with brackets, smaller upper story windows, round arches, classical columns or pilasters, a recessed entry porch, and the use of quoins, balusters, pedimented windows, classical door surrounds and molded cornices. This house has features of both styles but is classified here as Spanish Revival.

The house is a two-story rectangular block with a low-pitch red straight barrel mission style clay tile roof, referred to in the original specifications as “red and brown Riviera Mission” by the B. Mifflin Hood Brick Co., with a modest overhang supported by shallow wood brackets.<sup>4</sup> There is a copper gutter and downspout system (also shown on the original drawings and specified as sheet metal treated with zinc or copper). Within the rectangular volume are inset porches and terraces on all but the front facade. A terrace extends across the full width of the house and is reached from a set of steps placed to the side. The house is asymmetrically arranged with a variety of window shapes and types, some with round arches and some with flat or segmented arches. At the entrance on the front façade is an elaborate surround, a feature typically found in Spanish Colonial or Revival architecture. The walls of the house are of a warm pink stucco, described in the original specifications as a “Stone Cote” finish, and windows are of wood and typically casements, some with leaded glass. The front door is made of paneled wood and ornamental ironwork is used for window grilles,

light fixtures, railings and hardware. At the rear of the house is a two-story garage building and there is a small basement under the dining room.

The front or east façade is an asymmetrical composition featuring a prominent flattened arch at the front door on the right-hand side with a stucco surround, scored to look like stone and with a smooth finish, that is nearly flush with the wall and topped with a classical limestone cornice element. In the location of a keystone is a carved stone variation of a classical *bucranium*, or bovine skull. The front door is of heavily paneled stained white oak with wrought iron nails, a transparent or stained finish and an iron hinged cover over a small window for viewing. Oversized ornamental wrought iron light fixtures flank the entrance. To the right of the door is a small, fixed window of leaded textured and stained glass covered with a wrought iron grille. To the left are three French doors with three lights in each leaf and a simple stone entablature element to protect a projecting lintel. The doors are protected by folded and louvered wood shutters. There are iron hooks for decorative fabric swags to hang over each of the doors. Directly above the three doors are corresponding smaller casement windows with three lights in each leaf set on limestone sills, also with wood shutters that incorporate a small louvered area, and above the entrance is a smaller casement two light window. A small square stone panel, reportedly depicting a Burgher family crest according to the previous owner, is set into the stucco near the south corner. The low walls that define the terrace and steps are of stucco with limestone caps, thought to be original, although the drawings indicate tile, and the paving of the terrace is a red clay tile paver, also thought to be original despite the drawing showing slate.

The north façade is located near the north property line and faces the driveway that leads to the garage. This façade features a doorway, used as a secondary entrance, with a small projecting clay tile roof element with exaggerated wood brackets that leads to the foyer and main stair hall on the interior. Small windows at the stair feature textured, stained, leaded glass. Near the center of this façade is a recess with a row of casement windows with an iron railing serving the dining room. To the west of that is the façade of the original kitchen and the addition that expanded the kitchen. A niche occupies the location of an original door to a stair that led to the basement. A third casement window was added to the original pair at the kitchen and a fourth casement window is located near the west end of the façade. The addition matches the original house in nearly all respects including the stucco, wood windows, roof, roof eaves and brackets, and other details. The addition for the kitchen is one story.

The original rear or west façade is covered by an addition extending approximately 10 feet in front of the original façade that enlarges the kitchen, creates a breakfast room with a fireplace out of a former sleeping porch and encloses a small terrace with pergola at the west and south corner of the house. In the location of the original sleeping porch on the first floor with terrace above, is an enclosure to create a bedroom on the second floor. The added fireplace and chimney is a prominent feature of this façade. A metal and glass back door includes a modern glass and metal roof covering, and the remainder of the addition matches the original house in nearly all respects.

The south façade faces the swimming pool and features a loggia near the center of the façade with a roof terrace above it. The loggia has three semi-circular arches, two stylized limestone columns and two matching pilasters. Originally open air, the loggia is filled in with wood and glass doors in the center and fixed wood and glass panels to each side. To the west or back of the house is the addition of the rear façade, previously described. To the east of the loggia, the original two-story

façade includes a row of casement windows for the living room on the first floor and a centered balconette flanked by casement windows on the second floor. The small balcony is supported by cast stone brackets and has the same simple iron railing as the other terraces and porches but is missing some of the posts. The living room windows are of leaded glass, but of a design that is very simplified and revised from the Art Nouveau style shown on the original drawings.

The floor plan is arranged with a side-loaded entry and stair hall on the first and second floors, with primary rooms at the front of the house (living and the primary bedrooms above it), the dining room and another bedroom turned into closets in the middle, and bedrooms and the kitchen at the rear. A secondary stair led from the pantry or back hall to the second floor and there is a small basement under the kitchen. The house originally featured several open-air terraces, covered porches and the south facing loggia, but several of these have been enclosed.

Accessory buildings include the original two-story garage designed to complement the main house with an iron and glass greenhouse attached as a lean-to on the south side. A two-story addition protrudes into the driveway for a third garage bay which opens on both the east and west sides in order to retain the drive-through connecting the motor court to the alley. On the second floor of the garage are living quarters. Other site structures include a hen house that was designed to match the main building and several site structures in the landscape constructed in 2013.

The house is in excellent condition.

### **Alterations to the house**

Significant alterations and additions to the house were completed in 2013. These include the addition on the rear of the house to expand the kitchen and enclosure of three original outdoor spaces that include the rear porch, a sleeping porch off the first floor bedroom, and a terrace with pergola on the first and second floors. None of these alterations are visible from the front of the house. The original drawings appear to have been followed fairly precisely. However, there are differences that appear to be original, and there are changes known to be part of the 2013 renovation. A list of these differences and changes includes:

Differences noted between original drawings or the ca. 1950 photograph and what exists today and thus, may not be original:

- Bottle glass in window above entrance is now clear glass.
- Missing iron hardware and curtain or swag rod above entrance door.
- Missing screen door in front of entrance door that is not on the drawings but is on ca. 1950 photograph.
- Wood shutters at French doors at terrace, reported as original by previous owner.
- Iron gate at entrance to the terrace and at south end differs from drawings slightly.
- Missing ornamental ironwork between posts at the terrace railing.
- Minor terrace wall configuration difference at the north end.
- Tile coping on terrace walls is now limestone coping but appears to match ca. 1950 photograph.
- Slate paving on terrace is now a red tile, reported as original by previous owner.
- Leaded glass windows of the living room are simple where original drawings show a much more elaborate Art Nouveau style pattern.

Changes known to be part of the 2013 renovation undertaken by the previous owner:

- A few missing posts at front terrace balustrade are missing.
- Loggia has been enclosed with wood and glass.
- Loggia floor, which is slate on the original drawings, is replaced by tile.
- Patio outside of the loggia is added.
- Loggia columns and pilasters were cut or replaced to match the originals but without the base.
- Cameo feature is missing from the original exterior (now interior) wall of the loggia.
- Railing and flower planters added to roof top terrace above loggia.
- Juliette balcony railing is missing every other post.
- Iron railing added in front of dining room windows.
- The exterior door to the kitchen is missing.
- Addition across west façade, which also enclosed porches and pergola covered terraces at south-west corner on both floors.

### ***13. Historical Significance***

The Burgher Residence is significant for its representation of the first generation of residential development associated with the construction of Turtle Creek Boulevard, one of Dallas' most picturesque streets and a long-established success story in urban planning and design. The house is also significant as an example of the residential architecture of Flint & Broad, among the best practitioners of their era. The home's original owner was a prominent real estate and insurance businessman who greatly contributed to his community and died the same year the house was being constructed, thus never actually lived in it, but whose children carried on his legacy and remained connected to the house until 1971.

#### **Oak Lawn**

The neighborhood known as Oak Lawn started to develop in 1846 when William Grigsby sold 320 acres of land to John Cole for one dollar an acre. Dallas founder John Neely Bryan witnessed the transaction.<sup>5</sup> Cole established a store and other commercial uses on the property. The Union Pacific Railroad, established in 1865, built the Missouri-Kansas-Texas Railroad as the Southern Branch and came to be known as the MKT, and later, simply the Katy, for which the Katy Trail, one of the area's more recent and popular amenities, is named. Soon after MKT started operation in 1870, the area developed rapidly. One of the early important buildings in Oak Lawn is the First Methodist Church at the corner of Cedar Springs and Oak Lawn Avenue, completed in 1874. Small farms and estates were located in the area, close to downtown, including the farm that the Burgher family moved onto in 1904. The area benefitted from its natural features that included large oak trees, natural springs and a ravine of the Trinity River known as Turtle Creek. Several parks were created by the city to take advantage of these features. The first was Oak Lawn Park, now known as Turtle Creek Park. Just blocks from the church, Oak Lawn Park began with the purchase of 20 acres in 1903 by The Dallas Consolidated Electric Street Railway Company, which with the help of land developers Oliver P Bowser and Captain William H Lemmon, established the park as a means of attracting residential development.

The city began to acquire land along Turtle Creek in 1913 for the purpose of creating Turtle Creek Park, a recommendation of George Kessler, the renown landscape architect hired to prepare a city plan for Dallas. A 39- acre portion of Turtle Creek Park was renamed Reverchon Park, after botanist Julien Reverchon. Hand in hand with this park was the creation of Turtle Creek Boulevard, a parkway begun in 1915, which followed the creek and the greenbelt of connected park land from downtown Dallas to Highland Park. Turtle Creek Boulevard is one of Dallas' most successful urban design initiatives, rooted in City Beautiful movement design principles. Land along the boulevard was developed in the early 1920s with large residential estates overlooking the park. The Burgher Residence is an example of this early development. Smaller homes were developed to the west and commercial businesses located along Oak Lawn, Lemmon Avenue and Cedar Springs Road.

In the post-war years, the area developed rapidly with small apartment buildings replacing single-family homes, larger homes were converted to multi-family housing, and low scale apartment complexes were constructed. In 1957 the first high-rise apartment building in Dallas was constructed at 3525 Turtle Creek Boulevard, followed by several others. In 1959

the Dallas Theater Center completed the Kalita Humphreys Theater, designed by Frank Lloyd Wright, on property to the east of the creek and along a natural bluff where the MKT railroad right-of-way was located. In 1984 the portion of the Turtle Creek Park that contains the theater was renamed William B Dean Park in honor of William Dean for his leadership of the Park Board from 1971-1975. In the 1980s commercial buildings were built along the park including high-rise office buildings and low-rise, but dense, housing developments. Out of concern for over-building in the area, the Oak Lawn Committee was created in 1985 by local architects, planners, developers, lawyers and government to establish a community review board. The review board would not have a legally binding recommendation to the city but it did facilitate and formalize public input into the process for the first time in Dallas. Today, the Oak Lawn area is generally described as one of the most densely populated parts of Dallas, known for its mixed uses, historic landmarks and new development.

### **The Development of Turtle Creek Boulevard**

In 1911 George E. Kessler, renowned city planner and landscape architect, had completed *A City Plan for Dallas* commissioned by the Park Board. One of the many recommendations of that report was to establish a linked greenbelt with public parks and a landscaped boulevard intended to “conserve the high-class character of an essential residential section and of furnishing it with a natural and convenient thoroughfare to the heart of the city.”<sup>6</sup> The concept of a grand boulevard was rooted in the popular City Beautiful movement and this project is among a handful of projects built in that vein.

In 1915 the Dallas Park Board bought thirty-six acres from the estate of John Cole for \$4,000 to establish Reverchon Park, establishing a second large park for the neighborhood. In the same year, the Park Board-led construction of Turtle Creek Boulevard began and three bridges were built across Turtle Creek, extending Maple, Fairmont, and Bowen Streets west. This set in motion the development of the Turtle Creek corridor and the development along it that included the Burgher Residence. The Dallas Park Board continued to purchase land for the park along the creek in the 1920s.

Some of the most lavish homes in Dallas were built along Turtle Creek Boulevard and Turtle Creek Drive in the 1920s. One example, similar to the subject property in many respects, is the King Mansion, now The Mansion on Turtle Creek restaurant. Built in 1925 for oil magnate Sheppard W. King and his wife, this estate was designed by John Allen Boyle in the Italian Renaissance Revival style with Spanish Colonial influences. The rusty pink stucco walls, red tile roof and wrought iron details are also found in the Burgher Residence. Unlike the Burgher’s property however, which was spared redevelopment due to its proximity to similar residences in Highland Park, the King Mansion was sold and adapted to several commercial uses starting in the late 1940s, a reflection of the development pressure put upon the residential properties in the area.

As late as 1952, as demonstrated by period aerial photographs, these larger residences on large lots remained along the boulevard facing the park. In 1957, 3525 became the first high-rise residential building to front the park. The success of 3525 led to several other high-rise apartment and condominium buildings and density increased leading to an expansion of commercial development to support it. 1958 aerial photographs show the newly constructed 3525 with single-family homes next door. By 1968 a 21-acre plot of land that had served as the Holy Trinity College since 1907 and as Jesuit High School starting in 1942 was sold by the Roman Catholic Diocese of Dallas to developers who built a 21-story apartment complex, as well as office

buildings and a shopping center that fronts Oak Lawn Avenue. The days of the single-family homes were numbered as rapid growth led to denser and denser forms of development.

In 1959 the Kalita Humphreys Theater, designed by Frank Lloyd Wright, established a cultural destination for the area. Large commercial office buildings began to take advantage of the prestige of the Turtle Creek Boulevard address and the Perot family built a corporate campus there. Over the years, parks and other public amenities such as the Katy Trail have led to newer and denser development.

Responding to the growth of the area, the city embarked on a controversial effort to widen Turtle Creek Boulevard to six lanes in 1959. This effort led to a court action by citizens against the city but resulted in the successful road expansion and city work along the parkway that would set standards and policy for other city park maintenance and land acquisitions.<sup>7</sup> The controversy attracted attention from citizens interested in the quality of city life, including the Dallas Chapter of the American Institute of Architects who argued against the widening. The character of the street and adjacent land would get protection in 1974 when the city council unanimously approved a plan for a greenbelt along Turtle Creek to preserve open space in front of the buildings facing the creek. A city park was also created for the median that runs through the center of the boulevard. The park, greenbelt, and the zoning setback remain in place today and the latter runs through the subject property. The zoning set back ends at the border with Highland Park, just two lots north of 4107, but the character of homes fronting the park continues into Highland Park where the boulevard is named Lakeside Drive.

### **Flint & Broad**

The firm of Flint & Broad was comprised of partners Lester Flint and Thomas Broad, who practiced in Dallas from 1922-1944.<sup>8</sup> After the death of Flint in 1938, Thomas Broad may have retained the firm's name for a few years before continuing with his own practice as Thomas Broad from 1944-1947. Broad then joined Donald Nelson to form Broad & Nelson, which operated from 1947-1968. Based upon his inclusion of the house in his application for the College of Fellows of the American Institute of Architects, Thomas Broad is likely the primary designer of the Burgher Residence.

Lester Nichols Flint was born in Carlesle, Arkansas in 1886. He made his way to Dallas at least by 1922 when he is known to have practiced architecture as Lester N. Flint Company, Architects. He won a commission for a mercantile building on the corner of Davis Boulevard and Edgefield Avenue in Oak Cliff that is a notable example of commercial architecture and still stands today. Designed in the "English Country" or Tudor Revival style, the two-story edifice was designed to fit into a residential neighborhood, which to the north included the Tudor style homes of Kessler Square. The client, C. S. Mitchell was one of the developers of Kessler Park. By March of 1923 or sometime in 1922, Flint would become partners with Thomas Broad to form Flint & Broad. Both men seem to have had design strength, practical, and technical interests and were active members of their North Texas Chapter of the American Institute of Architects, based in Dallas. When Broad took three years away from the firm to work for the Civil Works Administration (CWA), Flint was involved in at least two very notable commissions for the 1936 Texas Centennial Exposition. Flint was also actively engaged in the creation of and furthering the city's building code and served as the chair of the standing advisory committee.<sup>9</sup> He died at the age of 51 in Dallas in 1938.

Thomas Dohoney Broad was born in Paris, Texas in 1893. He received a Bachelor of Science in architecture from the University of Texas at Austin and attended graduate school at Harvard in 1915-1916. When a devastating fire broke out in his hometown in 1916, he returned there to help with the rebuilding effort, establishing a short-lived practice with two partners to do so. After two years, he joined the US Army Air Corps, then moved to Kansas City to work with the architectural firm of Wight and Wight until 1923, during which time he also traveled in Europe to further his architectural education.<sup>10</sup> In March of 1923 he was in Dallas and working with Flint. From 1933-1937 he worked for the CWA. Upon Flint's death in 1938 he retained the firm's name until 1944. During that time, he designed the Administration Building at Love Field, 1939 and the Masonic Temple in downtown Dallas, 1941. He also designed, with Robert Leon White and Donald Nelson, the Memorial Masonic Grand Lodge in Waco, 1948, a commission connected to his practice with Nelson that lasted until 1968. Broad served from 1937-1951 on the State Board of Architectural Examiners. He also served on the board of directors of the Dallas Museum of Art, the Dallas Council on World Affairs, and as Executive Director of the Dallas Art Institute. In 1951 he was elected to the American Institute of Architects College of Fellows. He died in Dallas in 1985.

Flint & Broad was newly established when B. M. Burgher commissioned his house in 1923-1924. Ballard Young Burgher, B. M.'s son, put together a contest that year sponsored by the Dallas Journal, for a "Model Acre" in the Roselawn area (Letot and Lemmon Avenue near Love Field) and the Flint & Broad proposed a cottage in the "English Colonial" style for a modest homeowner and won. This contest occurred around the same time B. M. Burgher would have been involved with the firm in the design of his home.<sup>11</sup> Another early commission was the Randall Park Pavilion, or Comfort Station, 1925, a stucco-covered Doric tempietto and now the oldest pavilion in the Dallas park system. An overview of the firm's early work includes small and mid-sized schools, commercial, industrial, and residential buildings. The Grandstaff residence, 1928, in Stephens Park Estates at 1846 Mayflower, is an example of the firm's Spanish Revival style work that also features a loggia with columns that match those at the Burgher Residence.

The 1930s brought more and larger work such as a 25-story building planned for the north-east corner of Live Oak and Harwood in Dallas, a Sanitarium in Paris, Texas, schools, the Buckner Home for Orphans Hospital and dormitories totaling 18 buildings for that institution during an 18-year period, and 1939 brought a notable commission with the Administration Building of Love Field airport. While Broad was away working for the CWA, Flint and the firm completed two projects for the 1936 Texas Centennial Exposition. With Fooshee & Cheek and Hal B. Thompson the firm designed the Aquarium and as a member of the Centennial Architects that designed the State of Texas Building. Residential work includes the W. L. Wight house at 6915 Hunters Glen Road, in Volk Estates, 1936 in the Spanish Revival style, although quite different than the subject property in material (random stone façades in place of stucco) while retaining some of the details such as a balconette with a similarly simple wrought iron railing.<sup>12</sup> Another example is 4405 S. Versailles Avenue in Highland Park, 1937.

The firm's work can be found in cities in the north Texas region that include Paris, Waco, Garland, Beaumont, and Seagoville and in the neighboring states of Oklahoma and Louisiana. The best source of the firm's body of work is in the Donald S. Nelson Collection in the Alexander Architectural Archive, University of Texas Libraries, at The University of Texas.<sup>13</sup> While not as well known for their residential work, the firm also designed notable homes and made a

significant contribution to Dallas architecture and the profession. Thomas Broad chose to use the Burgher Residence among the ten projects he exhibited in his nomination package for Fellowship in the American Institute of Architects in 1950, suggesting he considered this residence one of his best works.<sup>14</sup>

### **Ballard M Burgher and Jessie B. (Williams) Burgher**

Ballard McDougal Burgher (1859-1925) was born in Fannin County in the small town of Honey Grove to parents from Kentucky and Tennessee.<sup>15</sup> His father was a merchant, although Ballard grew up on a farm. He graduated from Honey Grove High School in 1879 and attended Vanderbilt University for one year. He also took a course in the Eastman's Business College. He married Jessie B. Williams in Honey Grove in 1882 and worked in the hardware and implement business there until 1890. The family moved to Dallas and he entered the fire insurance business, where he practiced for the next 7 years, then real estate and loans and from 1898-1901 he served as president of the Union Bank and Trust Co. According to the 1911 City Directory, B. M. Burgher held positions in the B. M. Burgher & Company, Continental Savings and Loan Company, and the Metropolitan St. Ry Co. The B. M. Burgher Company was involved in real estate, loans and insurance. In 1913 he was appointed by President Woodrow Wilson as Postmaster for Dallas and served 8 years in that role. He was also a member of several masonic bodies, The Dallas Country Club, Dallas Rotary Club, was on the Board of Stewards for the Oak Lawn Methodist Church, served as vice president of the Dallas Real Estate Board and served 4 years on the Dallas Board of Education.<sup>16</sup> He was also a board member and honorary vice president of the United Charities. He died in Galveston, in the company of his wife, on January 23, 1925 at the age of 65, just months shy of the completion of his new home at 4107 Turtle Creek Boulevard.

Jessie B. Williams (1863-1941) was born in Okolona, Mississippi. She and her mother moved to Paris, Texas shortly after her father was killed while in the Civil War in the Confederate Army. They moved to Honey Grove, east of Paris, where she began teaching school. She met and married B. M. Burgher and after four children the family moved to Dallas in 1890. In Dallas she was a member of the Dallas Shakespeare Club, a charter member of the Dallas Women's Club and belonged to the Dallas Historical Society and the Dallas Garden Club. She died of a heart attack in her home at the subject property on June 7, 1941.<sup>17</sup> At the time of her death, she was survived by all 6 of her children, 16 grandchildren and 2 great-grandchildren.

When the Burgher family moved to Dallas between 1890 and 1894, they initially resided at 326 Mason Street, per the 1900 census, with four children. Two more children were born in Dallas and the family moved to a farm near the corner of Cedar Springs Road and Oak Lawn Avenue at 3819 Dickason Avenue. This home is also listed as 3012 and 3015 Oak Lawn Avenue in City Directories for 1911 and 1912. This home, the only one the entire family lived in together, was built by Colonel George Mellersh on the Mellersh farm, in 1876.<sup>18</sup> Across the street at 3014 Oak Lawn Avenue is the family's church, the United Methodist Church. B. M. Burgher purchased the home in 1904 and lived there through 1923 or 1924 when the property was sold to build the Melrose Hotel. That sale led Burgher to purchase the lot at 4107 Turtle Creek – some of the most desirable residential property in Dallas - along the newly constructed Turtle Creek Boulevard. Building his home in this location was consistent with the migration of affluent residents from downtown to the north and into the newly developed city of Highland Park.

In 1948 the City Directories indicate that Ballard Y. Burgher served as president of Ballard Burgher & Company (previously his father's company), Dallas Bond and Mortgage Company, and Dallas Royalty Company, as vice president of Guardian Federal Savings & Loan Association of Dallas and was serving as vice counsel to the Republic of Guatemala with offices in the Republic Bank building. Ballard Y. Burgher was part of the Cedric Burgher Construction Company, for which Cedric E. Burgher served as president. Cedric was also vice president of the United Fidelity Life Insurance Company and of Ballard Burgher & Company and he lived in Highland Park. Walter L. Burgher is listed in real estate and lived at 7919 Turtle Creek Boulevard in the Park Cities. Both of the Burgher daughters married and the youngest, Laura H. was married to Webster Atwell at the subject property in 1927. The youngest son, Robert S., was a diplomat and lived in the subject property after his mother's death.

The drawings for the new home were completed on July 14, 1924. A permit for the construction was logged in on March 2, 1925. B. M. Burgher died in Galveston in January of 1925 and the house is believed to have been completed sometime later that year. Mrs. Burgher resided in the house until she died there in 1941. Her sons, all of whom were in related businesses to those of their father, were in insurance, loans, mortgage companies, banking, real estate, and construction.

The entire family remained in Dallas and several members lived nearby. The eldest son, Ballard Young Burgher, named for his father and his father's father, was involved in all or most of the family's businesses and was at least as prominent as his father. Ballard Y. Burgher resided for a time at 4001 Turtle Creek Boulevard, also a Spanish Revival style home designed by Flint & Broad that remains today, just a few blocks south of his mother's home. Cedric E. Burgher ran a construction company carrying his name where his brother Ballard served as vice president. The youngest son, Robert S Burgher and his wife Caroline moved into his mother's house after her death and remained there until Robert died in the home in 1957.<sup>19</sup> Caroline Burgher continued to reside in the home until 1971. Thus, the sons of B. M. Burgher continued their father's businesses and remained an interconnected family unit throughout the time the family occupied the home from 1925-1971.

Children:      Byrd Burgher (1884-1956)  
                    Ballard Young Burgher (1886-1962)  
                    Walter Lenoir Burgher (1888-1961)  
                    Cedric Erroll Burgher (1889-1982)  
                    Robert Stephen Burgher (1899-1957)  
                    Laura Howe Burgher (ca. 1903-1992)

## **Summary**

The Burgher Residence is one of the last remaining historic single-family homes fronting on Turtle Creek Boulevard, a representation of the city and George Kessler's intent for development associated with investment in Turtle Creek Park and the parkway. Turtle Creek Boulevard is one of Dallas' most picturesque and a long standing urban design success story. The house is also significant as an example of the Spanish Revival style and the residential architecture of Flint & Broad, architects better known for their commercial work but generally regarded as being among the best practitioners of their era. Thomas Broad considered this residence to be among his most

accomplished works. The Burgher family was prominent in the real estate, banking and insurance industries in Dallas and members of the family held prominent positions in Dallas's cultural and business communities. The property meets seven of the Designation Criteria. The period of significance is 1924-1971 to coincide with the years the family was associated with the house.

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SMU Aerial photographs: <https://www.smu.edu/libraries/digitalcollections/agr>. Accessed March 2023.

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City of Dallas, King Mansion Landmark Designation Report, 1981.

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Dallas Public Library History and Archives Division, Building Permits Log, Clippings File for Turtle Creek Boulevard, photos for Turtle Creek Boulevard, and aerial photographs.

Donald S Nelson Collection of the Alexander Architectural Archive, University of Texas Libraries, The University of Texas.

Interview with property owner Beverly Ray by Nancy McCoy. Dallas, February and March 17, 2022.

Interview with prior property owner Dannye Butler (formerly Thomas) by Nancy McCoy, Dallas (by phone), April 3, 2023.

Seale, Katherine with assistance from Rachel Leibowitz, historian, Texas Historical Commission, “3525 Turtle Creek Boulevard,” 2007.

## 15. Attachments

*District or Site Map*

*Site Plan*

X *Photos (historic & current)*

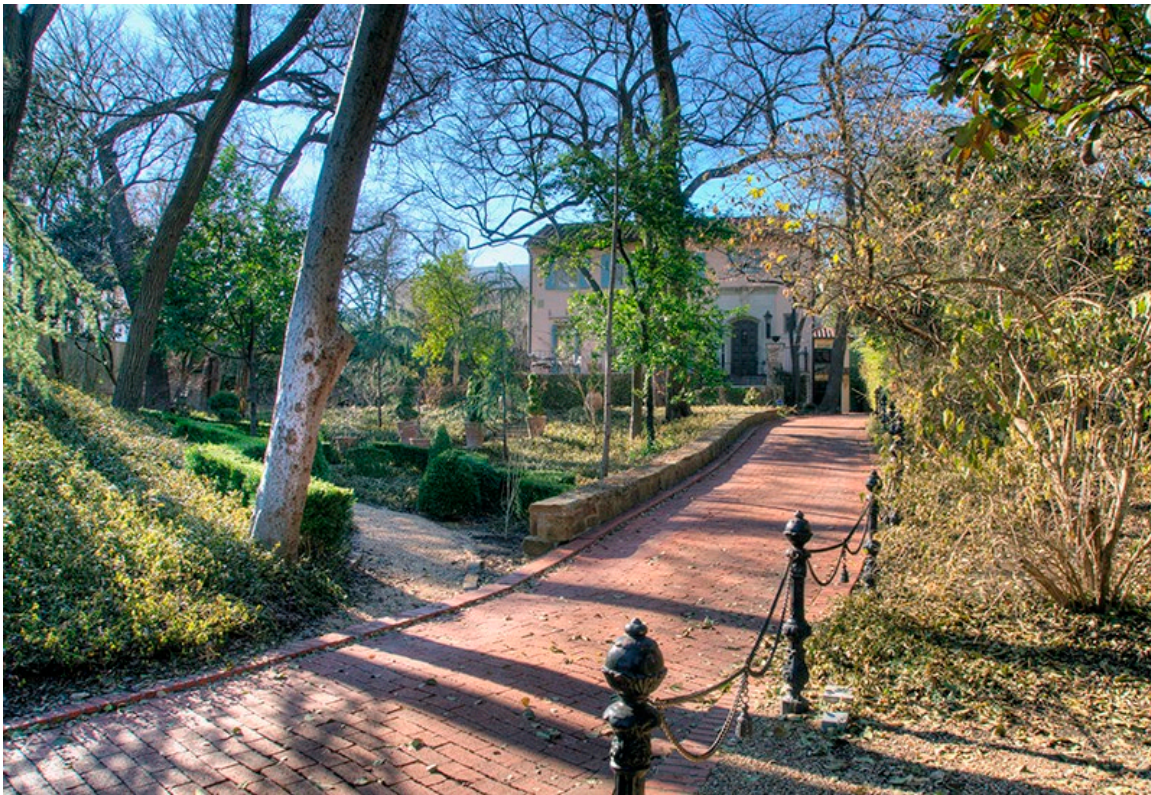
     *Additional descriptive material*

     *Footnotes*

X *Other:* Historic Drawings



Entrance gate on Turtle Creek Boulevard, January 2023. Photography by Carolyn Brown.



Inside gate driveway looking west, toward front façade. January 2023. Photography by Carolyn Brown.



View of front lawn looking east. January 2023. Photography by Carolyn Brown.



View of front (east) façade. January 2023. Photography by Carolyn Brown.



Driveway side (north) facade. January 2023. Photography by Carolyn Brown.



Rear (west) façade. January 2023. Photography by Carolyn Brown.



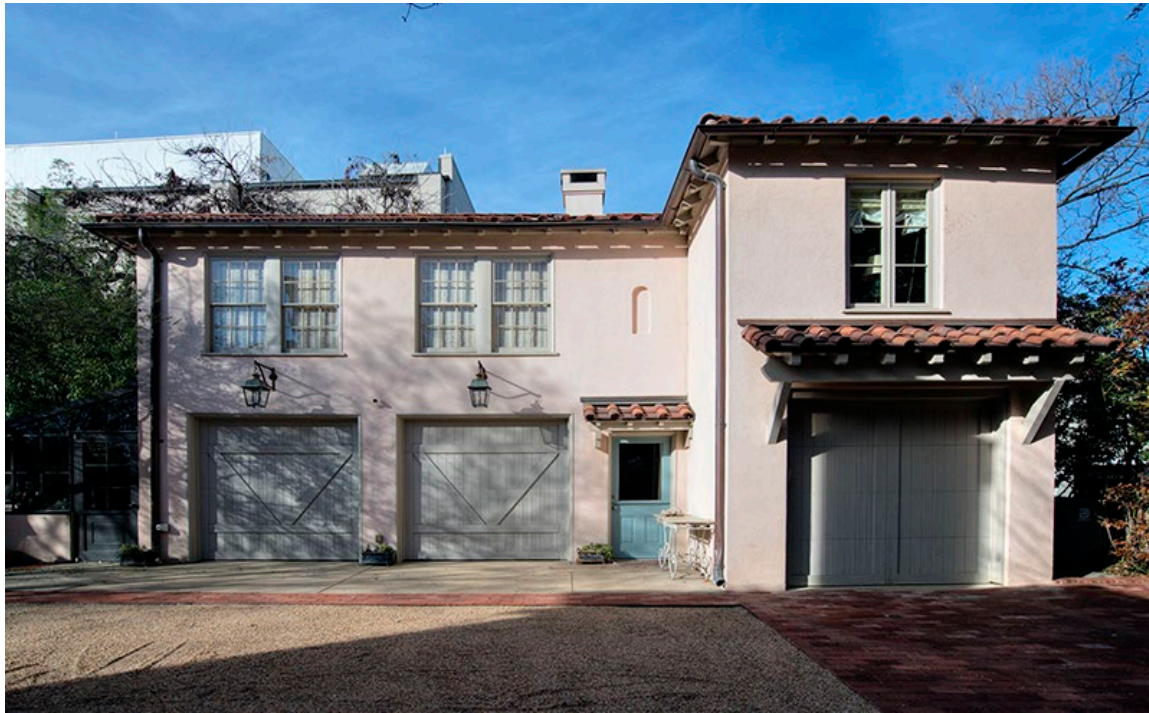
Side yard (south) façade with swimming pool, January 2023. Photography by Carolyn Brown.



Upper level of tiered garden looking west. January 2023. Photography by Carolyn Brown.



Middle level of tiered garden looking east. January 2023. Photography by Carolyn Brown.



Garage façade with addition on right (2012) facing east. January 2023. Photography by Carolyn Brown.



Metal and glass greenhouse attached to south side of Garage looking east. January 2023. Photography by Carolyn Brown.



Detail of front door on east façade. January 2023. Photography by Carolyn Brown.



Detail of window at to right of front door with ironwork. January 2023. Photography by Carolyn Brown.



French door of living room on east façade with shutters and hardware for fabric swags.  
January 2023. Photography by Carolyn Brown.



Second story window and shutter with possible family shield at left. January 2023. July 2021. Photography by Carolyn Brown.



Detail of loggia infill at south façade; columns are original but modified. January 2023. Photography by Carolyn Brown.



Detail of balconette off primary bedroom on south façade and leaded glass windows of living room below. January 2023. Photography by Carolyn Brown.



Detail of leaded and stained glass second floor window on north façade. January 2023. Photography by Carolyn Brown.



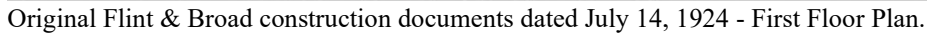
Foyer and stair hall, first floor looking north. January 2023. Photography by Carolyn Brown.



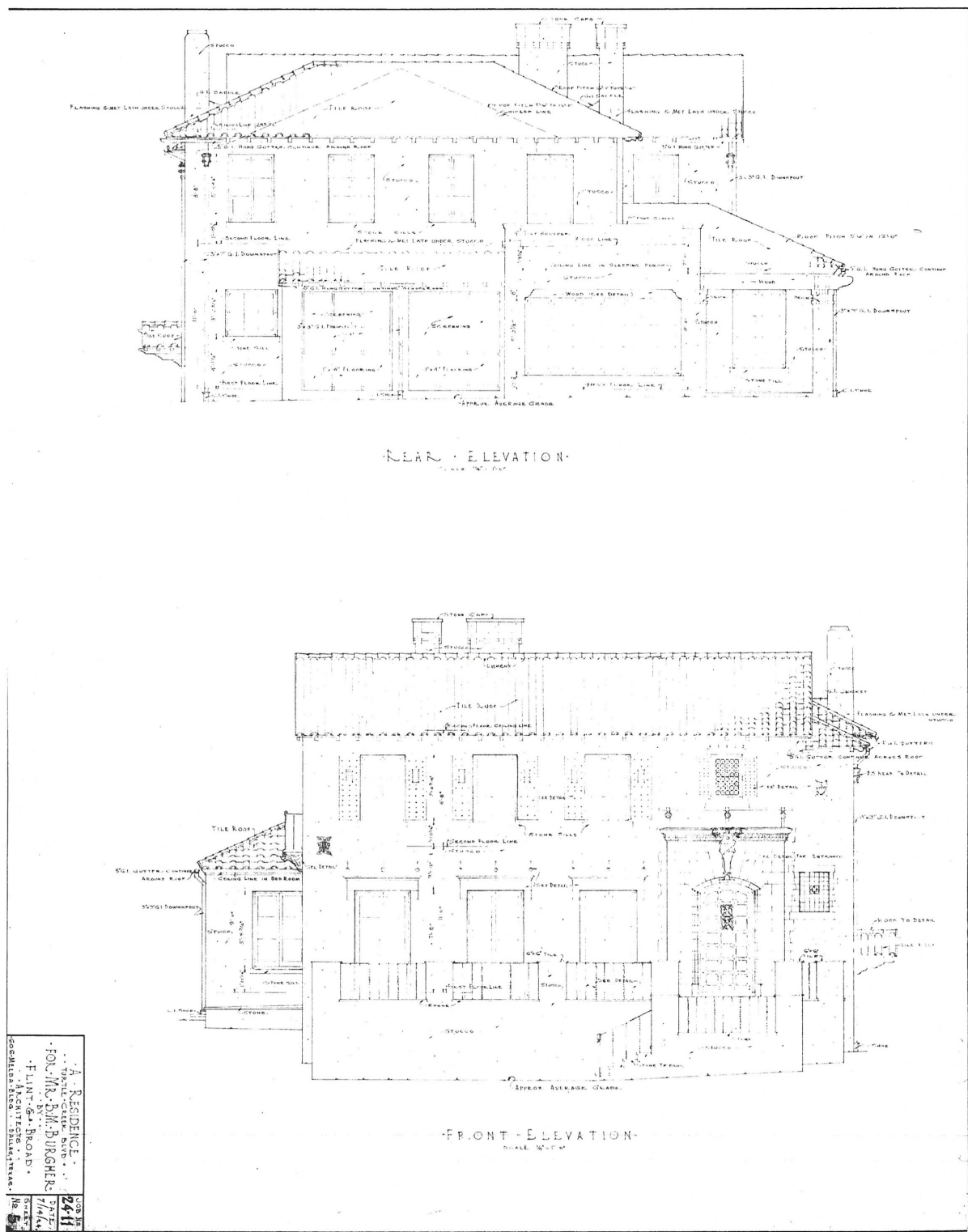
Living room, first floor looking west into loggia at left. January 2023. Photography by Carolyn Brown.



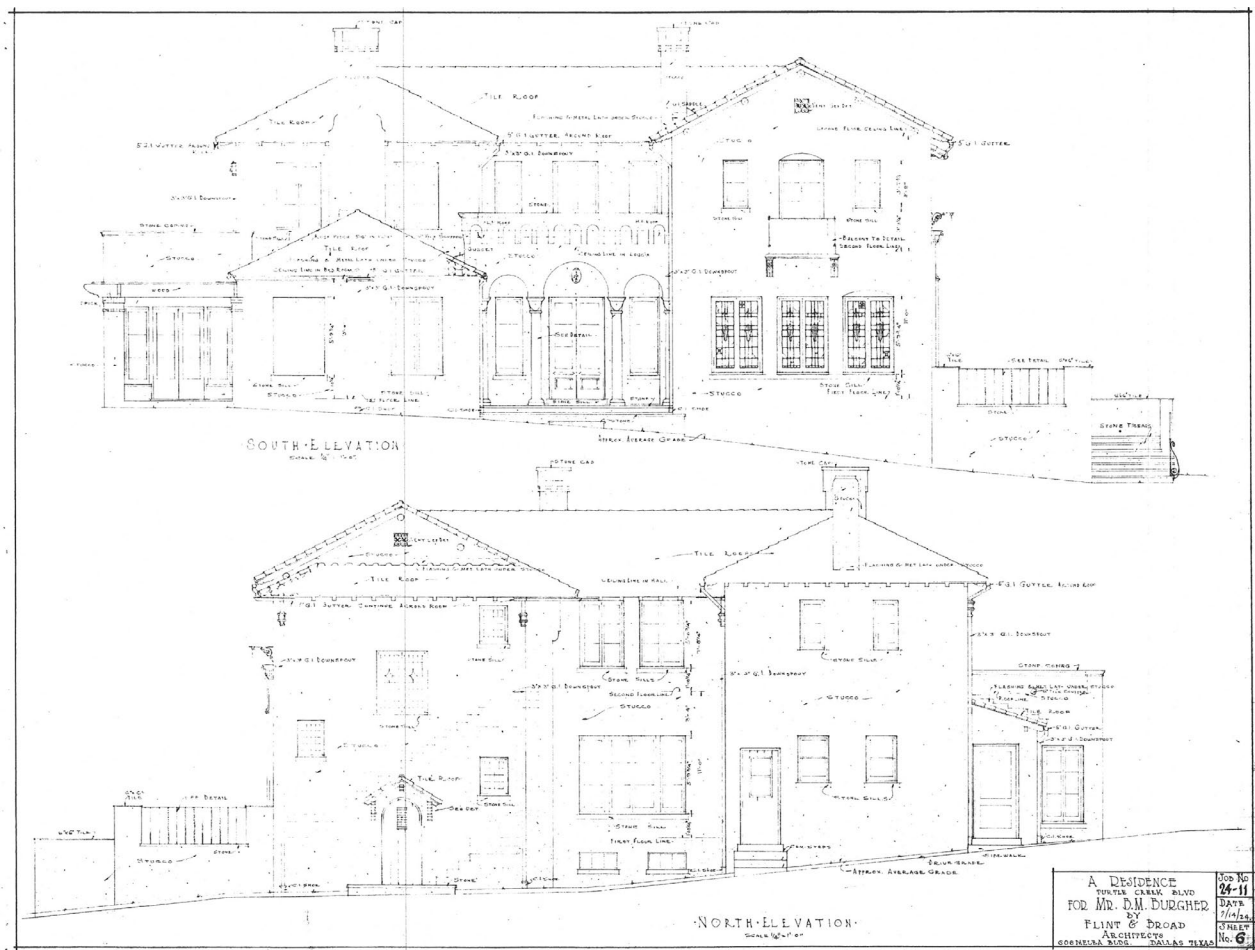
Front entrance photograph taken c1950 for the portfolio of Thomas Broad for his American Institute of Architects College of Fellows nomination. The photograph is in color, although faded. Photograph courtesy of the Alexander Architectural Archive, University Libraries, The University of Texas at Austin.



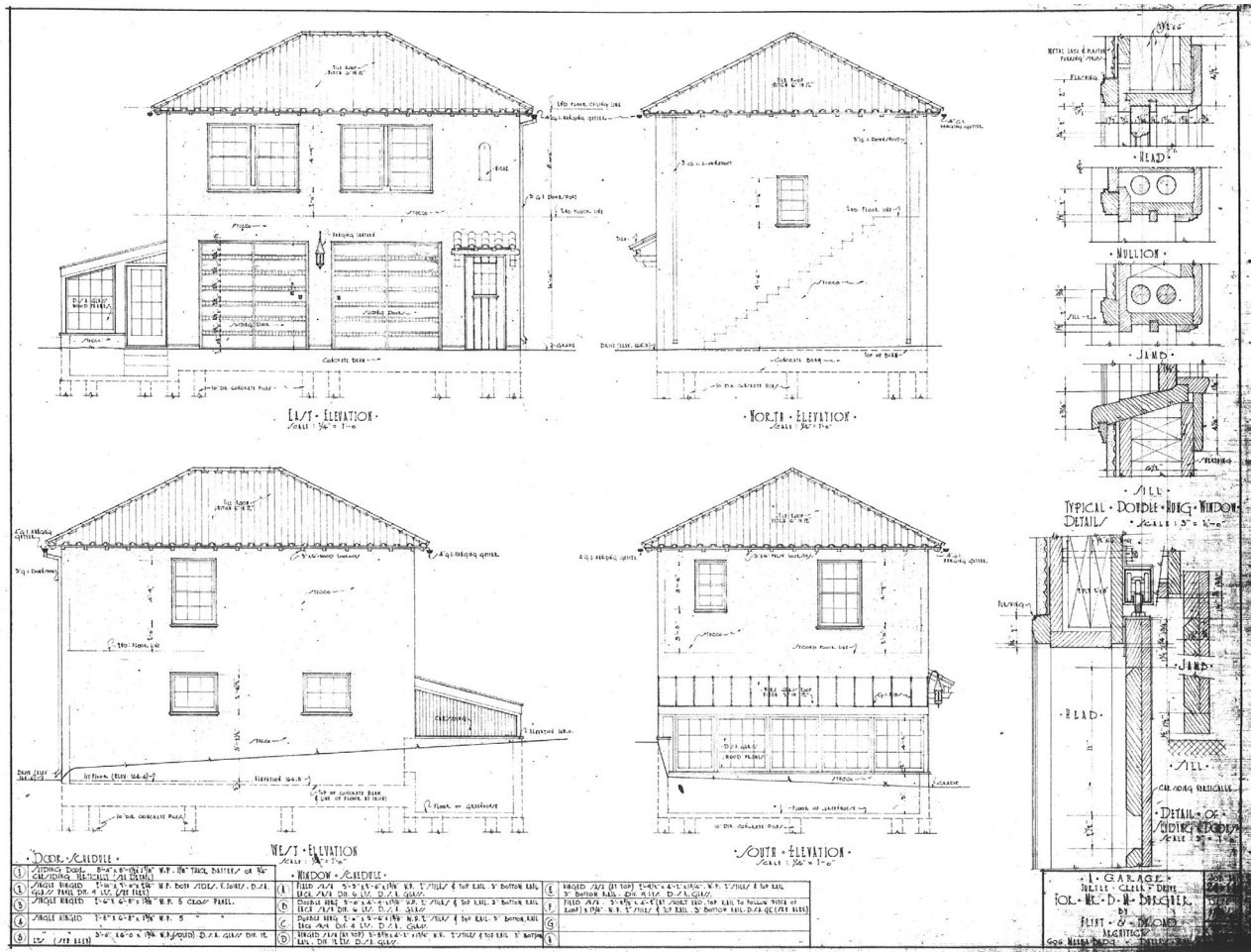




Original Flint & Broad construction documents dated July 14, 1924 – West (rear) and East (front) Elevations.



Original Flint & Broad construction documents dated July 14, 1924 – South and North Elevations.



Original Flint & Broad construction documents dated July 14, 1924 – Garage Elevations.

## **16. Designation Criteria**

**X History, heritage and culture:**

*Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.*

**Historic event:** *Location of or association with the site of a significant historic event.*

**X Significant persons:**

*Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.*

**X 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.*

**X 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.*

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

**X 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.*

**Archeological:** *Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.*

**National and state recognition:** *Eligible of 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.*

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

<b><i>17. Recommendation</i></b>
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***The Designation Committee requests the Landmark Commission to deem this nominated landmark meritorious of designation as outlined in Chapter 51 and Chapter 51A, Dallas Development Code.***

***Further, the Designation Committee endorses the Preservation Criteria, policy recommendations and landmark boundary as presented by the Department of Development Services.***

***Date:***

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***Daron Tapscott - Chair  
Designation Committee***

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***Rhonda Dunn, Ph.D.  
Historic Preservation Planner***

## Endnotes:

<sup>1</sup> Catherine Wilcox lived in the home from ca. 1973 until c2010; however, there is a conflict between the Directories and the DCAD records of ownership. According to DCAD, Catherine Wilcox retains ownership until 2002 after which she and her husband James Shaw both own the property. City Directories place James Shaw in the home by 1987.

<sup>2</sup> The date of 1925 is derived from three sources: the drawings by Flint & Broad dated July 14, 1924, the Dallas Public Library Building Permits Log Book, Building Permits 1925-1926 recorded as March 2, 1925. MA86.9 Building Inspection Records 1925-1926. It is possible that the house was not complete until 1926 but City Directories for 1925-1926 list Mrs. Burgher in residence, suggesting that the house was completed sometime in 1925.

<sup>3</sup> McCoy, Nancy, interview with Danyne Butler (formerly Thomas) by phone on April 3, 2023. The owner after Catherine Shaw, Danyne Butler noted that the landscape was completely overgrown with native and plants, weeds, etc and the house had not been maintained for a number of years. She believes that Shaw did not make any consequential changes to the house and that she purchased it in near-original condition. Danyne Butler's changes are documented in drawings prepared by the landscape architect and architect for the 2013 renovation that are in the current owner's possession.

<sup>4</sup> Some of the details in the description of the property come from the owner's collection of drawings that includes the original July 14, 1924 plans and a draft (hand-marked up) specification from the Alexander Architectural Library and now also in the owner's collection.

<sup>5</sup> The Turtle Creek Association, <https://www.turtlecreekassociation.org/creek-> Accessed March 27, 2023.

<sup>6</sup> Ibid.

<sup>7</sup> Handbook of Texas Online, <https://www.tshaonline.org/handbook/entries/turtle-creek-dallas-county>. Accessed 03-07-2023

<sup>8</sup> Quimby, Marcel, Stacy, Dennis, and Winters, Willis, "The genealogy of Dallas architects" in Transformations, a publication of AIA Dallas, McGraw Hill Construction Information Group, 2008.

<sup>9</sup> The Dallas Morning News, "Lester N. Flint, 51, Secretary of SBAE Died" January 21, 1938.

<sup>10</sup> Biographical information from Alexander Architectural Archives, University of Texas Libraries, The University of Texas.

<sup>11</sup> The Dallas Morning News, "Model Acre Roselawn" April 27, 1924.

<sup>12</sup> McAlester, Virginia Savage, and Winters, Willis Cecil. *Great American Suburbs: The homes of the Park Cities, Dallas*. New York: Abbeville Press, 2008, p. 139.

<sup>13</sup> The Alexander Architectural Archive does include the Donald S Nelson Collection, which includes Broad & Nelson work and documentation of the predecessor and successor firms including Flint & Broad and Thomas D. Broad. The archive includes drawings, specifications, photographs and other papers. The documentation of the Flint & Broad work is incomplete.

<sup>14</sup> Ibid, list of exhibits from the AIA Fellows nomination packet.

<sup>15</sup> Both Fannin and Lamar county have been documented as Burgher's birthplace. Today, Honey Grove is located within Fannin County but near the border of Lamar County. Burgher may have been born on a farm just outside Fannin County and near Honey Grove. The family's public tree on Ancestry notes Lamar County as the birthplace but most sources use Fannin county.

<sup>16</sup> The Dallas Morning News, "B M Burgher will be buried Saturday," January 24, 1925.

<sup>17</sup> The Dallas Morning News, "Dallas Leader in Women's Affairs Dies, June 7, 1941.

<sup>18</sup> City of Dallas Designation Report for the Melrose Hotel.

<sup>19</sup> Death Certificate for Robert Stephen Burgher; May 26, 1957. Obtained through ancestry.com.

[Date]

ORDINANCE NO. \_\_\_\_\_

An ordinance changing the zoning classification on the following property:

**Being a part of Lot 2 in City Block 3/2064; fronting approximately 110 feet on the west line of Turtle Creek Boulevard south of Wycliff Avenue; and containing approximately 0.759 acres;**

by establishing Historic Overlay District No. **155** (the Burgher Residence); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

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

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

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 155 on the following property (“the Property”):

**Being a part of Lot 2 in City Block 3/2064; fronting approximately 110 feet on the west line of Turtle Creek Boulevard south of Wycliff Avenue; and containing approximately 0.759 acres.**

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

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

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

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. 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:

TAMMY L. PALOMINO, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

## EXHIBIT "A"

Being a 33,062 Square Foot (0.759 Acre) tract of land lying in the William Grigsby Survey, Abstract No. 501, City of Dallas, Dallas County, Texas, and being a part of Lot 2, Block 3/2064 (Official City of Dallas Block Numbers) of the Highland Park Acreage Addition, an addition to the City of Dallas recorded in Volume 1, Page 202 of the Map Records of Dallas County, Texas and being the same property conveyed to Robert and Danyne Thomas by deed recorded in Instrument Number 201000262131 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at the Southeast corner of said Lot 2, lying on the West Right-of-Way line of Turtle Creek Boulevard (a 70-Foot-wide public street), said corner being also the Northeast corner of a tract of land conveyed to Wilson and Gwen Mason by deed recorded in Volume 30014, Page 4502 of the Deed Records of Dallas County, Texas:

**THENCE** South  $89^{\circ}43'24''$  West with the common line between said Lot 2 and the Mason property a distance of 285.77 feet to the common line between said Lot 2 and Lot 15, Block 2064 of Talty's Subdivision, an addition to the City of Dallas recorded in Volume 2, Page 388 of the Map Records of Dallas County, Texas:

**THENCE** North  $00^{\circ}18'33''$  West with the common line between said Lots 2 and 15 a distance of 92.51 feet to the Northeast corner of said Lot 15, being also an inside corner of the herein described tract of land:

**THENCE** North  $89^{\circ}56'25''$  West with the common line between said Lots 2 and 15 a distance of 59.00 feet to the intersection with the common boundary line with Lot 16 off said Block 2064 of Talty's Subdivision:

**THENCE** North  $00^{\circ}01'20''$  West with the common line between said Lots 2 and 16 a distance of 25.00 feet to the Northwest corner of the herein described tract of land:

**THENCE** North  $90^{\circ}00'00''$  East, over and across a portion of said Lot 2 a distance of 64.00 feet:

**THENCE** South  $00^{\circ}00'00''$  East, continuing over and across a portion of said Lot 2 a distance of 5.00 feet to an inside corner of the herein described tract of land:

**THENCE** North  $89^{\circ}38'29''$  East, continuing over and across a portion of said Lot 2 a distance of 269.01 feet to the intersection with the above referenced West line of Turtle Creek Boulevard, being also the Northeast corner of the herein described tract of land, in a Curve to the Right:

**THENCE** South-Southeasterly, with the said West line of Turtle Creek Boulevard and along said Curve, having a Radius of 784.02 feet, a Central Angle of  $00^{\circ}15'31''$ , and Arc Length of 3.54 feet and a Chord which bears South  $06^{\circ}14'50''$  East a distance of 3.54 feet to the Point of Tangency:

**THENCE** South 06°12'22" East, continuing with the said West line of Turtle Creek Boulevard a distance of 110.00 feet to the **POINT OF BEGINNING**, containing 33,062 Square Feet, or 0.759 Acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

## **PRESERVATION CRITERIA FORM**

### **EXHIBIT B PRESERVATION CRITERIA BURGHER RESIDENCE 4107 TURTLE CREEK BOULEVARD**

#### **1. GENERAL.**

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is 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. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
  - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
  - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs

published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1924 to 1971.

## **2. DEFINITIONS.**

- 2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this 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 this 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.
- 2.9 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.10 DISTRICT means Historic Overlay District No. 155, the Burgher Residence Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit C.

- 2.11 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.12 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.13 INTERIOR SIDE FACADE means a facade not facing a street or alley.
- 2.14 INTERIOR SIDE FENCE means a fence not adjacent to a street or alley.
- 2.15 INTERIOR SIDE YARD means a side yard not abutting a street or alley.
- 2.16 MAIN BUILDING means the residence\_ building, as shown on Exhibit C.
- 2.17 NO-BUILD ZONE means that part of this district in which no new construction may take place.
- 2.18 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.19 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

### **3. BUILDING SITE AND LANDSCAPING.**

- 3.1 New construction is prohibited in the no-build zone shown on Exhibit C.
- 3.2 The main building, garage and greenhouse are protected.
- 3.3 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.
- 3.4 Circular driveways and parking areas are not permitted in a front yard.
- 3.5 Any new mechanical equipment must be erected in the side or rear yards.
- 3.6 Landscaping.
  - a. Outdoor lighting must be appropriate and enhance the structure.
  - b. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.

- c. Existing mature trees are protected, except that unhealthy or damaged trees may be removed.

### 3.7 Fences.

- a. Interior side fences and fences in rear yards may not exceed eight feet in height. Cornerside fences may not exceed six feet in height.
- b. Fences must be constructed of stucco, brick, cast stone, iron, stone, wood, a combination of these materials, or other appropriate materials.

## 4. **FACADES.**

### 4.1 Protected facades.

- a. The facades shown on Exhibit C 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. Stucco added to protected facades must match in color and sand-rubbed texture.
- e. Brick, cast stone, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted before 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.

### 4.4 All exposed wood must be painted, stained, or otherwise preserved.

### 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.

### 4.6 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, before refinishing.

### 4.7 Aluminum siding, and vinyl cladding are not permitted.

- 4.8 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic 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 the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

## **5. FENESTRATION AND OPENINGS.**

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows that 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.
- 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.
- 5.5 Glass and glazing must match historic materials as much as practical. Films and glazing that are tinted or reflective are not permitted on glass.
- 5.6 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.
- 5.7 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

## **6. ROOFS.**

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

- 6.2 The following roofing materials are allowed: red, straight barrel mission style clay tile.
- 6.3 Historic eaves, soffits, coping, cornices, dormers, brackets, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 6.5 The copper gutter system shall be retained or replaced to match its historic appearance.

## **7. PORCHES AND BALCONIES.**

- 7.1 Historic porches, terraces and balconies on protected facades are protected.
- 7.2 Porches and balconies on protected facades may not be enclosed. It is recommended that existing enclosed porches on protected facades be restored to their historic appearance.
- 7.3 Historic columns, detailing, railings, and trim on porches and balconies are protected.
- 7.4 Porch floors must be tile or stone to match their historic appearance.

## **8. EMBELLISHMENTS AND DETAILING.**

- 8.1 The following architectural elements are considered important features and are protected:
  - a. Wood window and door shutters
  - b. Iron hardware for swags over French doors
  - c. Light fixtures
  - d. Railings and gates
  - e. Leaded, textured, stained and other specialty glass
  - f. Ironwork and grillwork
  - g. Balconette
  - h. Chimneys
  - i. Tile flooring on terrace
  - j. Cast stone and stucco door surround
  - k. Wood brackets and soffit

## **9. NEW CONSTRUCTION AND ADDITIONS.**

- 9.1 Stand-alone new construction is permitted only in areas shown on Exhibit C.
- 9.2 Vertical additions to the main building, garage and greenhouse are not permitted.
- 9.3 Horizontal additions to the main building, garage and greenhouse are permitted as shown on Exhibit C.
- 9.4 Removal of infill at loggia and former balconies and porches is encouraged.
- 9.5 The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structure.
- 9.6 New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios.
- 9.7 The height of new construction and additions must not exceed the height of the historic structure.
- 9.8 Aluminum siding, brick, wood, synthetic materials, and vinyl cladding are not permitted.
- 9.9 The setback of new construction and additions must conform to the setback of adjacent historic structures and the existing front yard set back.
- 9.10 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. SIGNS.**

- 10.1 Signs are not permitted.
- 10.2 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

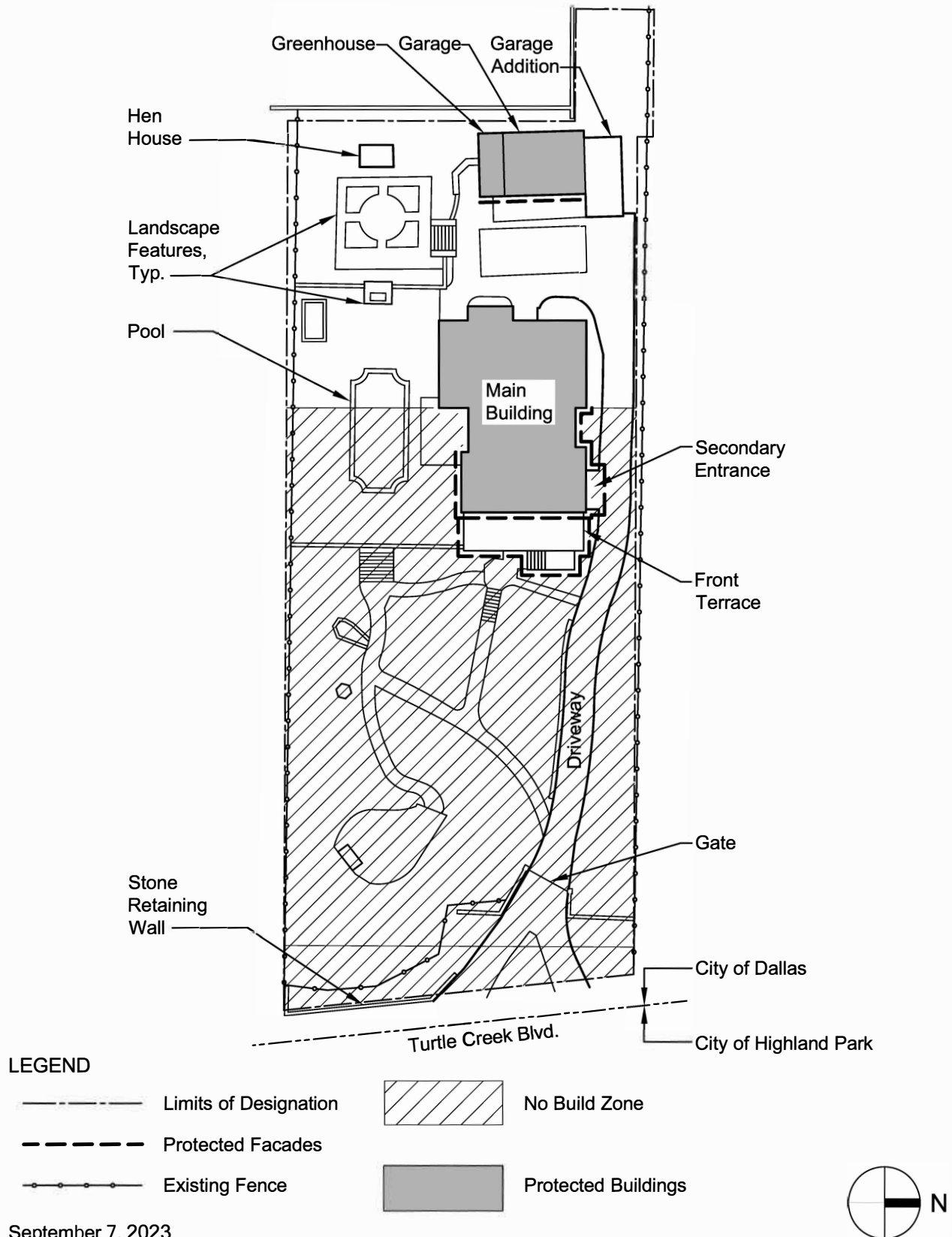
## **11. ENFORCEMENT.**

- 11.1 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

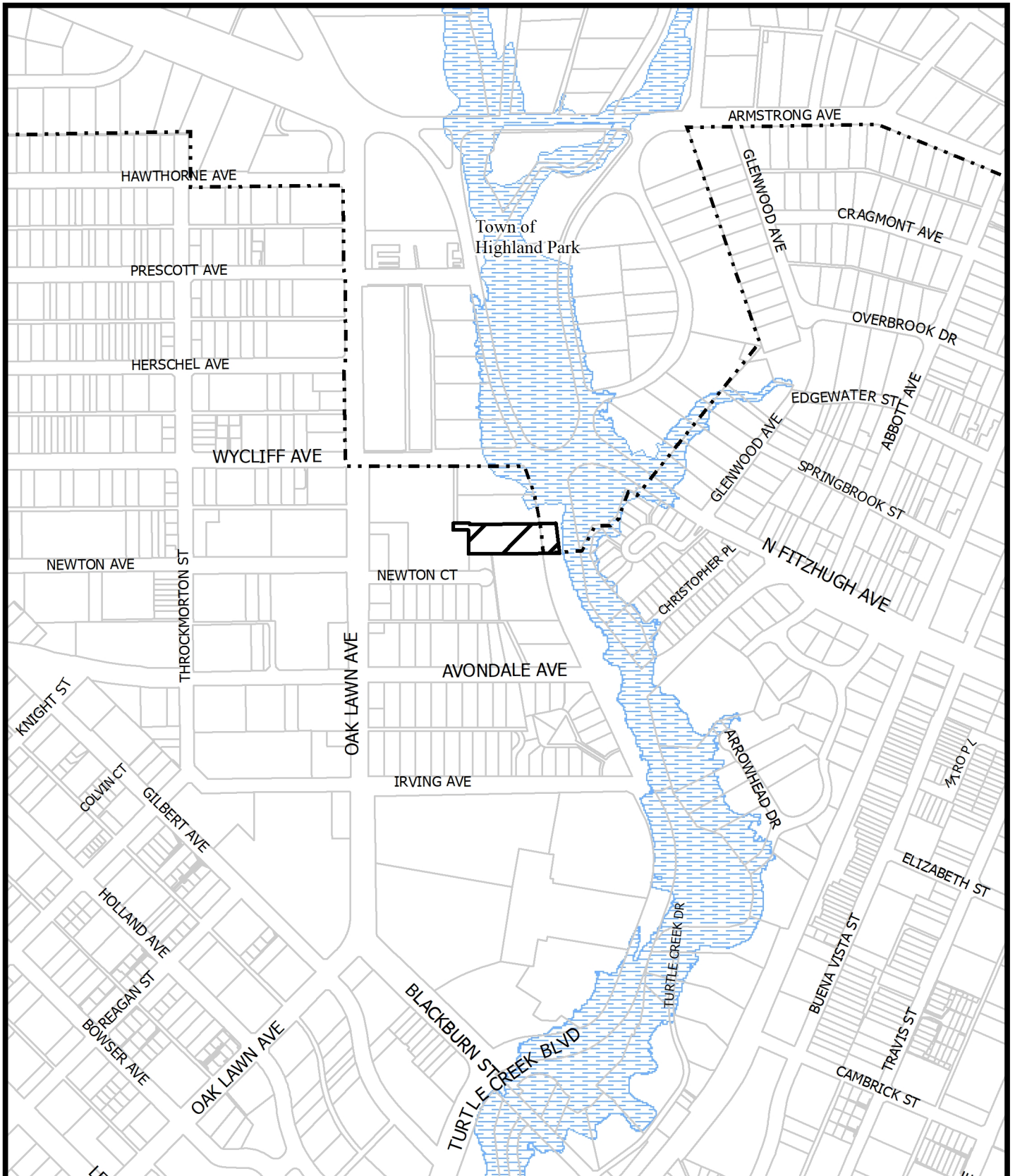
obtained or the property is restored to the condition it was in immediately prior to the violation.

- 11.2 A person is criminally responsible for a violation of these preservation criteria if:
- a. the person knowingly commits the violation or assists in the commission of the violation;
  - b. the person owns part or all of the property and knowingly allows the violation to exist;
  - c. 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; or
  - d. 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.
- 11.3 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.
- 11.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

**Exhibit C**  
**Burgher Residence**  
**4107 Turtle Creek Blvd.**  
**Dallas, Texas 75219**



September 7, 2023



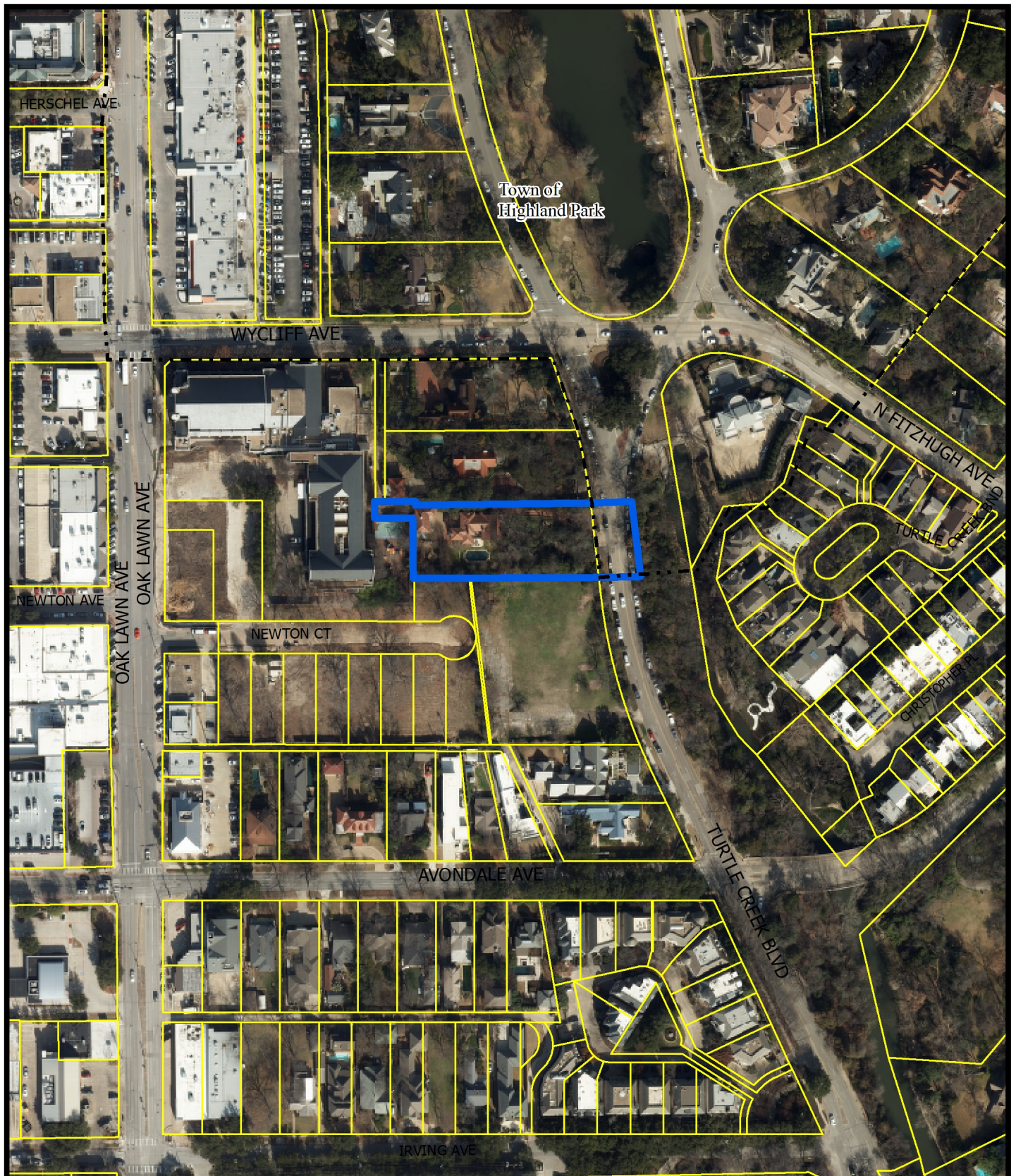
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## VICINITY MAP

16 58

Case no: **Z223-306**

Date: **8/11/2023**



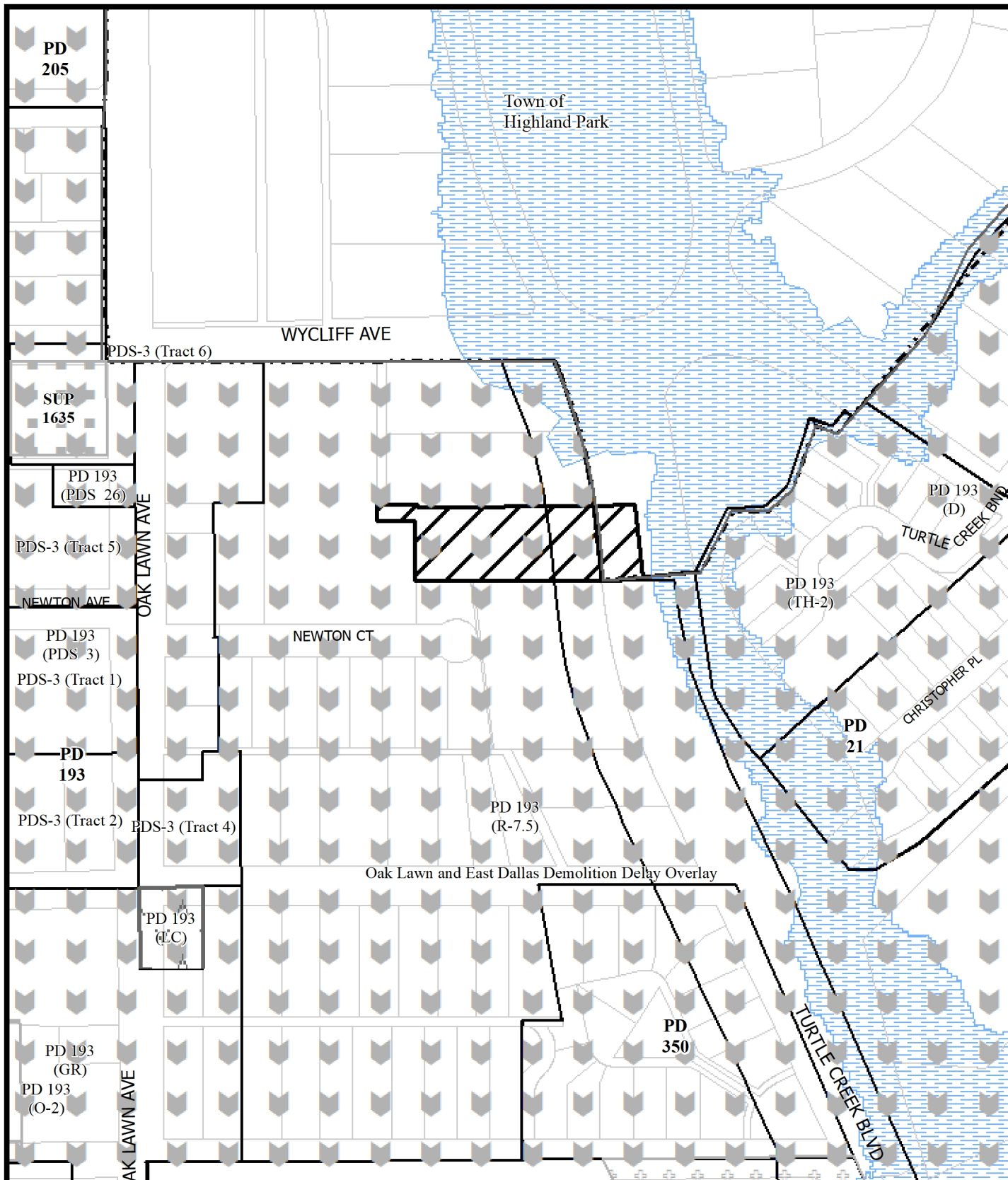
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## AERIAL MAP

16 50

Case no: **Z223-306**

Date: **8/11/2023**





1:2,400

# ZONING AND LAND USE

Case no: **Z223-306**

Date: **8/11/2023**

The area of request is hatched  . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada  . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.

Town of  
Highland Park

WYCLIFF AVE

NEWTON AVE

OAK LAWN AVE  
OAK LAWN AVE

13 NEWTON CT

AVONDALE AVE

TURTLE CREEK BLVD

N FITZHUGH AVE

TURTLE CREEK BND

CHRISTOPHER PL

The number '0' indicates City of Dallas Ownership



1:2,400

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**16**

NUMBER OF PROPERTY  
OWNERS NOTIFIED

16 61

Case no: **Z223-306**

Date: **8/11/2023**

# ***Notification List of Property Owners***

## ***Z223-306***

### ***16 Property Owners Notified***

<i><b>Label #</b></i>	<i><b>Address</b></i>	<i><b>Owner</b></i>
1	4115 TURTLE CREEK BLVD	MCCARTHY JOSIE ROBERTS LIVING
2	4107 TURTLE CREEK BLVD	RAY BEVERLY K TRUST
3	4124 OAK LAWN AVE	PARK CITIES PRESBYTERIAN
4	10 TURTLE CREEK BEND	KOELZER KAREN G
5	11 TURTLE CREEK BEND	BROWN JAMES F &
6	12 TURTLE CREEK BEND	MAHONY LYNN
7	13 TURTLE CREEK BEND	HARKINSON SARAH A SPOUSAL
8	14 TURTLE CREEK BEND	SLPSSR REVOCABLE LIVING TRUST
9	1 TURTLE CREEK BEND	TURTLE CRK BEND HMOWNRS
10	4112 OAK LAWN AVE	PARK CITIES PRESBYTERIAN
11	4027 TURTLE CREEK BLVD	MASON WILSON K III & GWYN
12	4300 NEWTON AVE	PARK CITIES PRESBYTERIAN
13	4318 NEWTON CT	PARK CITIES PRESBYTERIAN CHURCH
14	4320 NEWTON CT	PARK CITIES PRESBYTERIAN CH
15	4125 TURTLE CREEK BLVD	MOE MICHAEL & BONNIE
16	4100 ST JOHNS DR	USAI LP