



CITY OF DALLAS

December 12, 2022

Via Certified Mail: 7014 2120 0003 4355 9547

Marlon Lunaty
4512-4518 Sycamore St.
Dallas, TX 75204

RE: Appeal of Certificate of Appropriateness:
Hearing – October 3, 2022
4512-4518 Sycamore St., Case No. CA212-354(RD)

Dear Marlon Lunaty:

We have received your correspondence appealing the Landmark Commission's denial without prejudice of a Certificate of Appropriateness application for 4512-4518 Sycamore Street. Please be advised that the City Plan Commission hearing for **this appeal is scheduled for Thursday, January 5, 2023.** The City Plan Commission meeting will be held by videoconference and in Council Chambers, 6th Floor at City Hall. Individuals who wish to speak in accordance with the City Plan Commission Rules of Procedure, should contact the Department of Planning and Urban Design at 214-670-4209 by 5:00 p.m. on Friday, April 1, 2022, or register online at:

<https://dallascityhall.com/government/meetings/Pages/city-plan-commission.aspx>.

The public is encouraged to attend the meeting virtually; however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols.

Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or Channel 99 and bit.ly/cityofdallastv or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall).

The appeal of the decision of the Landmark Commission regarding the application for a Certificate of Appropriateness is a quasi-judicial action. No communication with City Plan Commission members may occur outside the hearing of **January 5, 2023.**

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

Marlon Lunaty
4512-4518 Sycamore St
Dallas, TX 75204

Included with this letter is the Landmark Commission record, and other related paperwork. The Landmark Commission record includes all documents related to your specific case. As I mentioned in the email on November 9, 2022, should you wish to provide the City Plan Commission a brief on the matter, please submit a copy to me at Dallas City Hall, 1500 Marilla Street, Room 5BN, Dallas, TX 75201 or by email phyllis.hill@dallascityhall.com by 5:00 p.m. **Friday, December 16, 2022.** I will then distribute the copies of your brief to the City Plan Commission. I will also send you a copy of the brief by the Assistant City Attorney's office.

You may contact me @ 214-670-4206 or email Phyllis.hill@dallascityhall.com if there are any questions regarding the deadline dates. You are encouraged to contact Assistant City Attorney Theresa Carlyle at 214-671-7979 if you have any questions regarding the format of the City Plan Commission hearing or other related matters.

Respectfully,



Elaine Hill
Administrative Specialist II
Office of Historic Preservation

cc: Julia Ryan, Interim Director, Office of Historic Preservation
Stacy Rodriguez, Executive Assistant City Attorney
Theresa Pham, Assistant City Attorney
Dr. Rhonda Dunn, Senior Planner,
Office of Historic Preservation

THE RECORD

**4512-4518 SYCAMORE
STREET
APPEAL
CA212-354(RD)**

**City Plan Commission
Hearing
01/05/2023**

**VIA CERTIFIED MAIL
7014 2120 0003 4355 9547**

INDEX

4512 – 4518 Sycamore Street CA212-354(RD)

Certificate of Appropriateness	Section 1
--------------------------------	-----------

Landmark Commission Agenda, October 3, 2022	Section 2
---	-----------

Docket Material	Section 3
Power Point Presentation	

Landmark Commission Minutes, October 3, 2022	Section 4
--	-----------

Transcript of the October 3, 2022 Landmark Commission Hearing	Section 5
---	-----------

Historic Preservation Criteria	Section 6
Dallas Development Code §51A-4.501	

Correspondence	Section 7
----------------	-----------

SECTION 1

Certificate of Appropriateness

4512-4518 Sycamore Street
CA212-354(RD)

Certificate of Appropriateness (CA) City of Dallas Landmark Commission

CA <u>212</u> - <u>574</u> (RD)
Office Use Only

Name of Applicant: Marlon Lunaty
Mailing Address : PO Box 140383
City, State and Zip Code: Dallas, TX, 75214
Daytime Phone: 562-413-2689 Alternate Phone: 480-707-2116
Relationship of Applicant to Owner : Applicant is the owner of the property

OFFICE USE ONLY

Main Structure:

☐ Contributing

☒ Non-contributing

PROPERTY ADDRESS: 4512 Sycamore St. Dallas, TX 75204

Historic District: Peak's Suburban Addition Historic District

PROPOSED WORK:

List all proposed work simply and accurately, use extra sheet if needed. Attach all documentation specified in the submittal criteria checklist for type of work proposed. **DO NOT** write "see attached."

1. Paint exterior of both duplexes.
2. Install gutter guards on all 14 rain gutters.
3. Replace chain link fence at the back of the property with wood fence.
4. New landscaping at the front and back of the property.
5. Replace the roofs on the two existing carport structures.

Signature of Applicant: _____ Date: _____

Signature of Owner: Marlon Lunaty Date: 08/30/2022
(IF NOT APPLICANT)

APPLICATION DEADLINE:

Application material must be **completed and submitted by the FIRST THURSDAY OF EACH MONTH, 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. This form along with any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201.

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

OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

Please review the enclosed Review and Action Form

Memorandum to the Building Official, a Certificate of Appropriateness has been:

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

Signed drawings and/or specifications are enclosed ☒ Yes ☐ No

Rhonda Du
Office of Historic Preservation

10/12/2022
Date

SECTION 2

Landmark Commission Agenda

October 3, 2022

See Page 8 - 9, Item #3

Landmark Commission Agenda
Monday, October 3, 2022

Task Force Recommendation:

That the request for a Certificate of Appropriateness to replace front porch columns - work completed without a CA - be denied without prejudice. Proposed work in violation of Section 4.1a, Section 4.1b, and Section 7.3.

Request:

1. A Certificate of Appropriateness to paint exterior. (Body: Blue, Trim: White) Work done without a Certificate of Appropriateness.
2. A Certificate of Appropriateness to replace chain link fence around rear and side yards with an eight-foot high (pine) wood fence. Work done without a Certificate of Appropriateness.
3. A Certificate of Appropriateness to install grass in the front and rear of property.
4. A Certificate of Appropriateness to replace roofs on two existing carport structures in rear yard.
5. A Certificate of Appropriateness to replace thirty-one aluminum windows with wood composite windows. (Brand: Anderson, Material: Fibrex®)

Applicant: Lunaty, Marlon

Application Filed: 9/1/22

Staff Recommendation:

1. That the request for a Certificate of Appropriateness to paint exterior (Body: Blue, Trim: White); work done without a Certificate of Appropriateness be denied without prejudice. The proposed work is inconsistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.
2. That the request for a Certificate of Appropriateness to replace chain link fence around rear and side yards with an eight-foot high (pine) wood fence; work done without a Certificate of Appropriateness be approved in accordance with specifications dated 9/1/22 with the following condition that the finished side of fence face out, on the right and left sides of the property. Implementation of the recommended condition would allow the proposed work to be consistent with Peak's Suburban Addition's preservation criteria Sections 2.9, 2.13, 2.14 and 2.15 pertaining to Site and Site Elements; City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures; and the Secretary of the Interior's Standards.
3. That the request for a Certificate of Appropriateness to install grass in the front and rear of property be approved

3. 4512 - 4518 SYCAMORE ST

Peak's Suburban Addition Neighborhood Historic District

CA212-574(RD)

Rhonda Dunn

Landmark Commission Agenda Monday, October 3, 2022

in accordance with specifications dated 9/1/22. The proposed work is consistent with Peak's Suburban Addition's preservation criterion Section 2.6 pertaining to Site and Site Elements; City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures; and the Secretary of the Interior's Standards.

4. That the request for a Certificate of Appropriateness to replace roofs on two existing carport structures, in rear yard be approved in accordance with specifications dated 9/1/22. The proposed work is consistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.
5. That the request for a Certificate of Appropriateness to replace aluminum windows with wood composite windows – thirty-one total (Brand: Anderson, Material: Fibrex®) be approved in accordance with specifications dated 9/1/22 with the following conditions: that the exterior innermost window frames be painted a complementary accent color; and that the lite configuration of the replacement windows be one over one (1 over 1). Implementation of the recommended conditions would allow the proposed work to be consistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.

Task Force Recommendation:

1. That the request for a Certificate of Appropriateness to paint exterior [brick] be denied without prejudice.
2. That the request for a Certificate of Appropriateness to replace chain link fence around rear and side yards with wood fence be approved as submitted.
3. That the request for a Certificate of Appropriateness to install grass at the front and rear of property be approved as submitted.
4. That the request for a Certificate of Appropriateness to replace roofs on two existing carport structures, in rear yard be approved with the following condition that a specifications sheet is provided to the Landmark Commission for review.
5. That the request for a Certificate of Appropriateness to replace wood windows with wood composite windows be denied without prejudice.

SECTION 3

CA212-354(RD)

- Docket Material
- Power Point Presentation



LANDMARK COMMISSION

OCTOBER 3, 2022

FILE NUMBER: CA212-574(RD)
LOCATION: 4512 - 4518 Sycamore St.
STRUCTURE: Non-Contributing
COUNCIL DISTRICT: 2
ZONING: MF-1(A), R-7.5(A)

PLANNER: Rhonda Dunn
DATE FILED: September 1, 2022
DISTRICT: Peak's Suburban Addition
MAPSCO: 46-A
CENSUS TRACT: 0015.04

APPLICANT: Lunaty, Marlon

REPRESENTATIVE: N/A

OWNER: Lunaty, Marlon

REQUEST

A Certificate of Appropriateness (CA) is requested to:

- 1) Paint exterior. (Body: Blue, Trim: White) Work done without a Certificate of Appropriateness.
- 2) Replace chain link fence around rear and side yards with an eight-foot high (pine) wood fence. Work done without a Certificate of Appropriateness.
- 3) Install grass in the front and rear of property.
- 4) Replace roofs on two existing carport structures in rear yard.
- 5) Replace thirty-one aluminum windows with wood composite windows. (Brand: Andersen, Material: Fibrex®)

BACKGROUND / HISTORY:

Erected in 1923, – however, having an effective year built¹ of 1990 – the two buildings sited at 4512 – 4518 Sycamore St. are two-story, wood siding and brick veneer, residential duplexes; identified as non-contributing to the Peak's Suburban Addition Historic District.

Previous applications for Certificates of Appropriateness filed for this property include:

¹ A subjective adjustment of the age of a property, by a property appraiser based on more recent alterations and renovations.
CA212-574(RD)

Case Number	Review Type	Date	Owner	Decision
CA201-095(MP)	Standard	12/7/2020	Blue Mountain TX LLC	
1) Install six panel steel doors. 2) Paint exterior brick. 3) Install landscaping in front yard.				Denied without prejudice Denied without prejudice Approved
CA201-167(MP)	Routine	12/17/2020	Blue Mountain TX LLC	
1) Repair wood siding. (Condition: must match existing.) 2) Paint wood on main structure. (Condition: no masonry is to be painted.) 3) Replace wrought iron fence in front yard. (Condition: must match existing.)				Approved with conditions Approved with conditions Approved with conditions
CA201-453(MP)	Standard	7/5/2021	Blue Mountain TX LLC	
Paint unpainted brick on front and side elevation. (Work done without a Certificate of Appropriateness.) Color: Yellow.				Denied without prejudice

According to county records, the property's deed was transferred to the current owner, on 4/28/2022.

RELEVANT PRESERVATION CRITERIA:

Peak's Suburban Addition (H/72), Ordinance No.: 22352

SEC. 2. SITE AND SITE ELEMENTS

2.6 Landscaping must be appropriate and compatible, must enhance the structure and surroundings, and must not obscure significant views of or from the main building. It is recommended that landscaping modifications reflect the original historic landscaping design when appropriate.

2.9 Fences in the rear yard and rear 50% of the side yard may not exceed 9 feet in height².

2.13 Fences in side, rear or corner side yards must be constructed of one or more of the following materials: wood, brick, stone, wrought iron, chain link (as noted below), a combination of these materials, or other materials deemed appropriate.

² Reference Addendum B of ordinance for details on fence location, height, and design.
CA212-574(RD)

Chain link fences are not allowed in the front yard or front 50% of the side yard, or the front 50% of the corner side yard.

The fences that are required to be 70% open should be of wrought iron, wood that resembles wrought iron, or historic wire fences. Chain link fences do not qualify as a 70% open fence.

2.14 Tops of fences must be horizontal, stepped or parallel to grade as illustrated in Addendum B (of ordinance).

2.15 The finished side of a fence must face out if seen from any street as illustrated in Addendum B (of ordinance).

RELEVANT SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES:

Guidelines for Setting (District / Neighborhood)

- **Recommended:** *Identifying, retaining, and preserving building and landscape features that are important in defining the overall historic character of the setting. Such features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.*
- **Not Recommended:** *Removing or substantially changing those building and landscape features in the setting which are important in defining the historic character so that, as a result, the character is diminished.*
- **Not Recommended:** *Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the setting.*
- **Not Recommended:** *Introducing a new building or landscape feature that is visually or otherwise incompatible with the setting's historic character (e.g., replacing low metal fencing with a high wood fence).*
- **Not Recommended:** *Removing a character-defining feature of the building or landscape from the setting that is unrepairable and not replacing it or replacing it with a new feature the does not match.*

RELEVANT DALLAS CITY CODE:

Section 51A-4.501. Historic Overlay District

(g) Certificate of Appropriateness.

(6) Standard certificate of appropriateness review procedure.

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

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

PROJECT DESCRIPTION & ANALYSIS:

The subject property is located in the 4500 block of Sycamore St, near the intersection of N. Carroll Ave. and Sycamore St., in the Peak's Suburban Addition Historic District. The applicant is proposing to alter the building site, and to renovate the exterior of this non-contributing property. These modifications include: painting the exterior of the main buildings; installation of fencing and landscape features; replacement of roofing on accessory structures; and replacement of aluminum windows with wood composite windows. Each of these requests will be evaluated separately below.

Exterior Paint – Unauthorized Work

The applicant proposes to paint the exterior of both residential duplexes, blue (body) with white trim. With respect to cladding, the upper half of both building is clad in horizontal wood siding, while the lower half (on the front and side elevations) of both buildings has a brick veneer. The blue color is appropriate for wood siding; however, it is not appropriate for brick veneer. In the Peak's Suburban district brick is primarily unpainted, therefore, with respect to color bricks are usually a natural earth tone within the district.

Regarding the history of the subject property, the brick veneer was painted yellow by the previous owner in 2021. Considering this, staff recommends that the applicant either repaint the exterior brick, a warm earth tone or remove all paint – both the blue and the yellow pigments – from exterior brick. The proposed work is **not** compatible with the historic overlay district. Moreover, according to the Secretary of the Interior's (SOI) Guidelines (listed above), *removing or substantially changing those building and landscape features in the setting which are important in defining the historic character so that, as a result, the character is diminished* is **not** recommended.

Installation of Fencing – Unauthorized Work

The applicant proposes to replace a chain link fence, around rear and side yards with an eight-foot high, (pine) wood picket fence. According to the applicant, the prior fence was in disrepair and vagrants were entering the property through holes in the fencing. The newly installed fence is a privacy fence; however, the side elevations of both buildings are visible from the public right-of-way.

The issue with the fencing is it is facing "backwards". The lots on both sides of the subject property are vacant. Hence, the unfinished side of the fence can be seen from the public right-of-way, on both the left and right sides of the property. In accordance with Peak's Suburban Addition's preservation criterion, Section 2.15; staff recommends that the finished side of fence face out, on both sides of the property. Nonetheless, the fence's height, composition, and location are in keeping with the district's preservation criteria. Considering the Secretary of the Interior's Guidelines pertaining to fencing, and that there is no pictorial evidence available on the original fencing; staff deems the fencing compliant with the SOI guidelines as well, except for the issue noted.

Installation of Grass in Front and Rear Yards

The applicant proposes to plant grass in the front and rear yards of both residential duplexes. There is no pictorial evidence available regarding original landscaping. However, the proposed work is consistent with Section 2.6 of the preservation criteria,

and compatible with the historic character of the district. Moreover, the proposed work follows the Secretary of the Interior's Guidelines; specifically, the recommendation to *identify, retain, and preserve building and landscape features that are important in defining the overall historic character of the setting. Such features can include ... vegetation, gardens and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.*

Roof Replacement on Two Accessory Structures

The applicant is proposing to replace the corrugated metal roofing on two carports in the rear yard of the subject property, with in-kind materials. The existing roofing is rusted and in disrepair. Per the Task Force's request, the applicant has provided additional information on the replacement roofing. (See the attached Certificate of Appropriateness application.)

The proposed work will not have an adverse impact on the surrounding historic district and is in keeping with the Secretary of the Interior's guidelines generally, regarding maintenance and repair.

Window Replacement – Thirty-one Total

The applicant is proposing to replace aluminum sash windows (one over one) with wood composite windows, on both primary structures. Pictorial evidence shows the condition of the existing aluminum windows is poor. The applicant has not replaced the windows but has entered into a binding contract with Renewal by Andersen.

The applicant's Andersen representative provided photos of installed one over one, wood composite windows for comparison. (See photo section below.) Considering the photos provided and that the subject property is identified as non-contributing to the district, staff recommends the proposed window replacement be approved with conditions. The conditions being that the lite configuration of one over one be retained and that the exterior frame of the replacement windows be painted, a complementary accent color. Accordingly, the proposed work would be compatible with the historic overlay district and in agreement with the Secretary of the Interior's guidelines generally, with respect to preserving "visual relationships" within a historic setting.

In conclusion, except for the introduction of "blue brick", the proposed work complete with staff recommendations is compatible with the historic overlay district.

STAFF RECOMMENDATION:

- 1) That the request for a Certificate of Appropriateness to paint exterior (Body: Blue, Trim: White); work done without a Certificate of Appropriateness be denied without prejudice. The proposed work is inconsistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.
- 2) That the request for a Certificate of Appropriateness to replace chain link fence around rear and side yards with an eight-foot high (pine) wood fence; work done without a Certificate of Appropriateness be approved in accordance with specifications dated 9/1/22 with the following condition that the finished side of

fence face out, on the left and right sides of the property. Implementation of the recommended condition would allow the proposed work to be consistent with Peak's Suburban Addition's preservation criteria Sections 2.9, 2.13, 2.14 and 2.15 pertaining to Site and Site Elements; City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures; and the Secretary of the Interior's Standards.

- 3) That the request for a Certificate of Appropriateness to install grass in the front and rear of property be approved in accordance with specifications dated 9/1/22. The proposed work is consistent with Peak's Suburban Addition's preservation criterion Section 2.6 pertaining to Site and Site Elements; City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures; and the Secretary of the Interior's Standards.
- 4) That the request for a Certificate of Appropriateness to replace roofs on two existing carport structures, in rear yard be approved in accordance with specifications dated 9/1/22. The proposed work is consistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.
- 5) That the request for a Certificate of Appropriateness to replace aluminum windows with wood composite windows – thirty-one total (Brand: Andersen, Material: Fibrex®) be approved in accordance with specifications dated 9/1/22 with the following conditions: that the exterior innermost window frames be painted a complementary accent color; and that the lite configuration of the replacement windows be one over one (1 over 1). Implementation of the recommended conditions would allow the proposed work to be consistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.

TASK FORCE RECOMMENDATION:

- 1) That the request for a Certificate of Appropriateness to paint exterior [brick] be denied without prejudice.
- 2) That the request for a Certificate of Appropriateness to replace chain link fence around rear and side yards with wood fence be approved as submitted.
- 3) That the request for a Certificate of Appropriateness to install grass at the front and rear of property be approved as submitted.
- 4) That the request for a Certificate of Appropriateness to replace roofs on two existing carport structures, in rear yard be approved with the following condition that a specifications sheet is provided to the Landmark Commission for review.
- 5) That the request for a Certificate of Appropriateness to replace wood windows with wood composite windows be denied without prejudice.

SITE MAP

4512 – 4518 Sycamore St.



The yellow rectangle highlights 4512 – 4518 Sycamore St. The purple shading denotes Peak's Suburban Addition coverage. *Basemap Source: Google Earth*

SPECIFICATION PHOTOS – ANDERSEN FIBREX® WINDOWS³



**Top: Old window.
Bottom: Fibrex® replacement window.**



Close up of paired Fibrex® (one over one) replacement windows with arched transom window.

³ These have been installed on properties in the Dallas City area and not on the subject property.
CA212-574(RD)

CURRENT PHOTOS
4512 -- 4518 Sycamore St.



Northwest (front) elevation of duplexes.



Left (southwest) elevation of duplexes.



Right (northeast) elevation of duplexes.

CURRENT PHOTOS – CLOSE UPS
4512 -- 4518 Sycamore St.



Close up of front (northwest) elevation.



Close up of left (southwest) side of subject property.



Close up of right (northeast) side of subject property.

CONTEXT PHOTOS
4512 -- 4518 Sycamore St.



Sycamore St. to the left (direction: southwest) of subject property.



Sycamore St. to the right (direction: northeast) of subject property. Moreland Ave. is the cross street, identified by the street sign.



Sycamore St. across the street from subject property. Rear of 99 cents Store. N. Carroll Ave. is the cross street, demarcated by the Stop sign.

ATTACHMENTS:

- **Task Force Recommendation Form**
- **Certificate of Appropriateness Application**

**TASK FORCE
RECOMMENDATION(S)
4512 - 4518 SYCAMORE ST**

TASK FORCE RECOMMENDATION REPORT
PEAK'S SUBURBAN ADDITION/ EDISON – LA VISTA

DATE: 09/08/22

TIME: 5:30 pm

MEETING PLACE: Virtual or 2922 Swiss Avenue (Wilson House)

Applicant Name: Marlon Lunaty

Address: 4512 Sycamore St (Peak's Suburban Addition)

Date of CA/CD Request: 09/01/2022

RECOMMENDATION:

☐ Approve ☐ Approve with conditions ☐ Deny ☐ Deny without prejudice

Recommendation / comments/ basis:

1. Paint exterior:

Recommendation: **Deny w/o prejudice** due to the fact that the ordinance does not allow for painted brick. Painted brick was previously denied in CA application dated 2021. Although these duplexes are not listed as contributing structures, oral history in the neighborhood cites these as two of the oldest four-squares in the neighborhood. Recommendation made that the structures have the existing paint stripped to the brick. Consideration would be granted for removal of the brick, because there is likely original siding beneath it.

Made: Patricia Simon; 2nd: Richard Catron Passed Unanimously

2. Install splash guards on all 14 rain gutters:

Recommendation: **Approve**

Made: Paul Sanders; 2nd: Kathy Finch Passed Unanimously

3. Replace chain link fence at the rear of the property with wood fence:

Recommendation: **Approve**

Made: Paul Sanders; 2nd: Richard Catron Passed Unanimously

4. Install grass at the front and rear of the property:

Recommendation: **Approve**

Made: Paul Sanders; 2nd: Patricia Simon Passed: Unanimously

5. Replace roofs on two existing carport structures, in rear yard.

Recommendation: **Approve with Conditions** Because metal roofs are allowed per the ordinance, recommend approval with the condition that a spec sheet is provided to Landmark Commission for review.

Made: Paul Sanders; 2nd: Richard Catron Passed: Unanimously

6. Replace windows -- 31 total:

Recommendation: **Deny w/o prejudice**, because the ordinance requires wood on wood windows, and application states Fibrex windows. Recommend resubmission of CA for thirty-one wood on wood windows.

Made: Patricia Simon; 2nd: Paul Sanders Passed: Unanimously

7. Repair concrete slab foundation:

Recommendation: **Approve**

Made: Paul Sanders; 2nd: Richard Catron Passed Unanimously

The task force recommendation will be reviewed by the landmark commission in the City Council chamber, Room 5ES, starting at 10:30 with a staff briefing.

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

Task force members present

☐ VACANT	☐ VACANT	☐ Ricardo Munoz
☒ Patricia Simon (Chair)	☒ Kathy Finch	☒ Richard Catron
☒ Paul Sanders (Vice Chair)	☐ VACANT (Edison/LaVista Alt.)	
☐ VACANT (Edison/LaVista Res)		

Ex Officio staff members present ☒ Rhonda Dunn, Ph.D. ☐ Laura Groves van Onna

Simple Majority Quorum: ☒ yes ☐ no

Maker: see above

2nd: see above

Task Force members in favor: All items passed Unanimously: Simon, Sanders, Finch, Catron

Task Force members opposed: N/A

Basis for opposition: N/A

CHAIR, Task Force	Patricia A. Simon	DATE: 09/08/22
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The task force recommendation will be reviewed by the landmark commission in the City Council chamber, Room 5ES, starting at 10:30 with a staff briefing.

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

**APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS
4512 - 4518 SYCAMORE ST**

Certificate of Appropriateness (CA)

City of Dallas Landmark Commission

CA	-	[]
Office Use Only		

Name of Applicant: Marlon Lunaty

Mailing Address : PO Box 140383

City, State and Zip Code: Dallas, TX, 75214

Daytime Phone: 562-413-2689 Alternate Phone: 480-707-2116

Relationship of Applicant to Owner : Applicant is the owner of the property

OFFICE USE ONLY

Main Structure:

___ Contributing

___ Non-contributing

PROPERTY ADDRESS: 4512 Sycamore St. Dallas, TX 75204

Historic District: Peak's Suburban Addition Historic District

PROPOSED WORK:

List all proposed work simply and accurately, use extra sheet if needed. Attach all documentation specified in the submittal criteria checklist for type of work proposed. **DO NOT write "see attached."**

1. Paint exterior of both duplexes.
2. Install gutter guards on all 14 rain gutters.
3. Replace chain link fence at the back of the property with wood fence.
4. New landscaping at the front and back of the property.
5. Replace the roofs on the two existing carport structures.

Signature of Applicant: _____ Date: _____

Signature of Owner: Marlon Lunaty Date: 08/30/2022
(IF NOT APPLICANT)

APPLICATION DEADLINE:

Application material must be **completed and submitted by the FIRST THURSDAY OF EACH MONTH, 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. This form along with any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201.

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

OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

Please review the enclosed Review and Action Form

Memorandum to the Building Official, a Certificate of Appropriateness has been:

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

Signed drawings and/or specifications are enclosed ___Yes ___No

Office of Historic Preservation

Date

Certificate of Appropriateness

City of Dallas

Historic Preservation

Rev. 010220

Proposed Work Continuation of Itemized list for 4512 Sycamore Street,
Dallas TX 75204

6) 31 Windows in total will be replaced. Window Survey has the condition and pictures of each.

7) Foundation repair. Including pier and beam replacement, concrete slab repair and any necessary repair according to the attached Greenworks Service report

Explanation of proposed work that's IN PROGRESS:

1. Exterior Paint: Both duplexes are in progress of being freshly painted. The old paint was worn and lacked curb appeal. The new paint gives the duplexes a fresh and rejuvenated look while maintaining the integrity of the neighborhood.

The paint colors chosen are as follows:

257-C1

257

SW 7006
Extra White

Photo #1



Photo #2



Photo #3



Photo #4



Photo #5

Photo #1: Paint swatch of the white we chose for the trim on both duplexes. It is a Sherwin Williams paint color called Extra White. Color code is SW 7006.

Photo #2: Paint swatch of the grayish-blue color we chose for the body on both duplexes. It is a Sherwin Williams paint color called Wall Street. Color code is SW 7665.

Photo #3: Actual paint samples of Extra White and Wall Street.

Photo #4: Printed paint labels of the colors including brand, name of paint color and color code. You will notice it does say Behr Pro on the paint label. The Sherwin Williams paint colors were mixed with a Behr Pro primer to allow us to use these colors as safe exterior paint.

Photo #5: Duplex #1 finished product.

Explanation of proposed work that's COMPLETED:

2. Rain Gutters: There are 14 total rain gutters, 7 on each duplex. Gutter guards were installed on all 14 of the rain gutters to ensure leaves and/or small animals do not clog the rain gutters and prohibit rain from properly draining off the roof.



3. Back Fence: The back fence was a chain link fence that had numerous holes allowing transients to squeeze through and enter the property grounds. Since assuming ownership in April, we had two incidents where residents contacted us informing us transients were on the property due to an inefficient fence. One incident resulted in Dallas PD having to respond and make an arrest. Residents confirmed they were entering the property through the holes in the chain link. The chain link fence was removed and replaced with a new wood fence that follows the same footprint of the chain link fence. The wood fence measures 8 feet tall by 83 feet long. This new fence has since solved the issue of transients entering the property as of current day.



Photo #1



Photo #2

Photo #1: Chain link fence that was existing when the property was purchased. The chain link had several holes allowing for transients to enter the property, creating a safety issue to residents, and was aesthetically displeasing.

Photo #2: New wood fence that was installed. Followed the same footprint as the chain link fence. It measures 8 feet tall for added security and 83 feet long. It also updates the overall appearance of the property and makes it look clean and aesthetically pleasing.

Explanation of proposed work that is TO BE DONE:

4. Landscaping: Currently, the property does not have any existing landscaping. We would like to replace the dead grass in front of each duplex with fresh new grass. Behind each duplex is dead grass which we would also like to replace with new grass. The rendering below shows the proposal for new grass and where it will be placed. No other landscaping, including plants, will commence. The grass is Bermuda Grass.

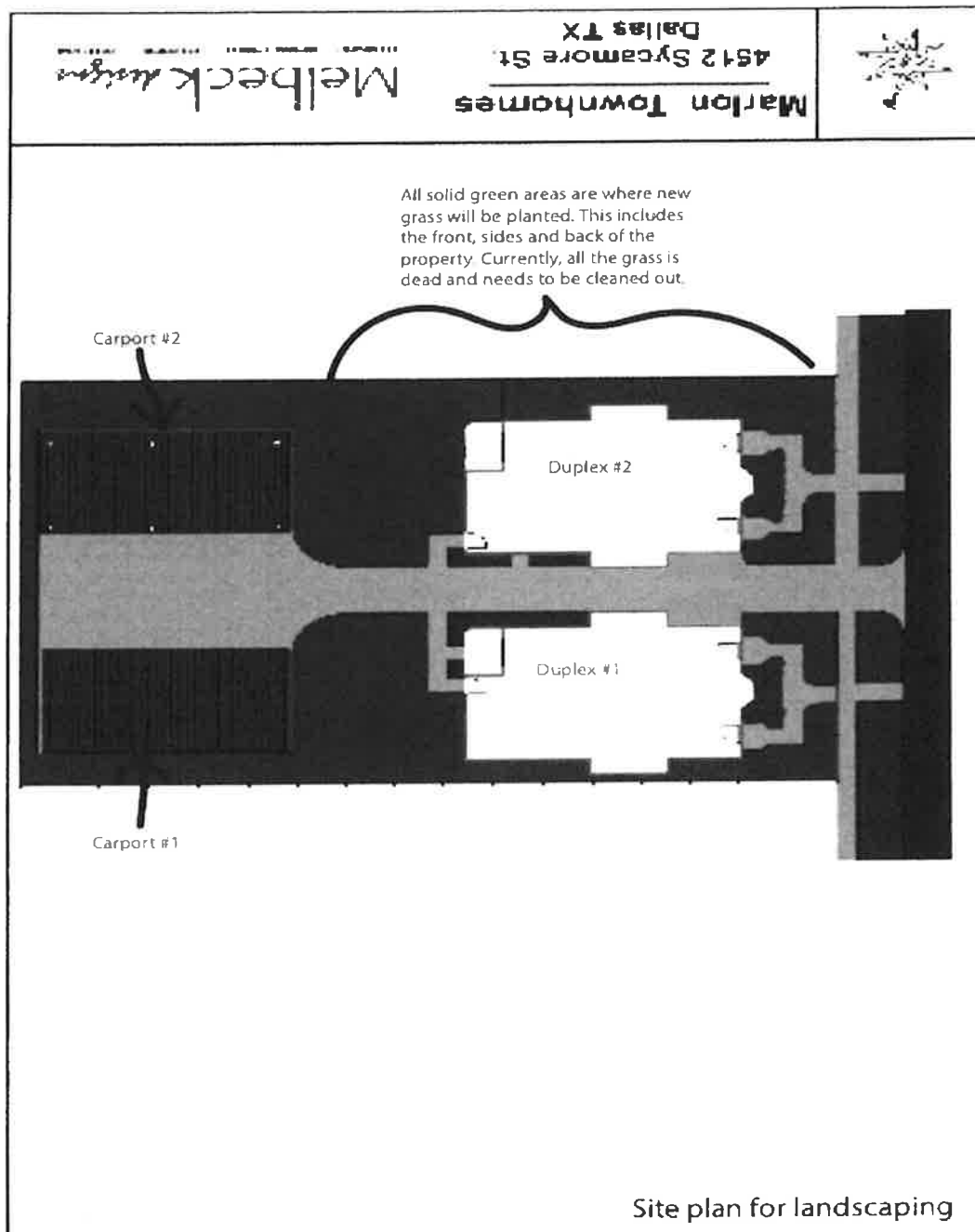




Photo #1 (duplex #1)



Photo #2 (duplex #2)

Photos #1 & #2: These photos are of the front of each duplex facing the street. As you can see there was once grass in front of each duplex. The grass is dead and we are unable to do anything other than have it cleaned out and replaced with new grass. This will help immensely with curb appeal and the overall integrity of the property.



Photo #3 (duplex #1)



Photo #4 (duplex #2)

Photos #3 & #4: These two photos are of the back of each duplex next to the carports. These areas once had grass, but it has since died and we are unable to do anything other than have the two areas cleaned out and have new grass put in. New grass will help with the overall appearance and integrity of the property, as well as provide residents with a sightly and manicured property.

5. Carport Roofs: There are existing carports for designated parking, one behind each duplex, totaling two carports. Each carport is in need of a roof repair. The existing aluminum roofs are bent and bowing inward causing less elevation for vehicles to safely park under without risk of scratching the top of the vehicles. We would like to replace these roofs with new aluminum roofs to prevent any vehicle damage that can result from the warping of the current roofs.



Photos #1 & #2: These photos are of carport #1 showing the bending that has occurred. You can see in the highlighted circles where the bending and bowing has happened over time. We would like to replace the roof only so they are safe for cars to park under.



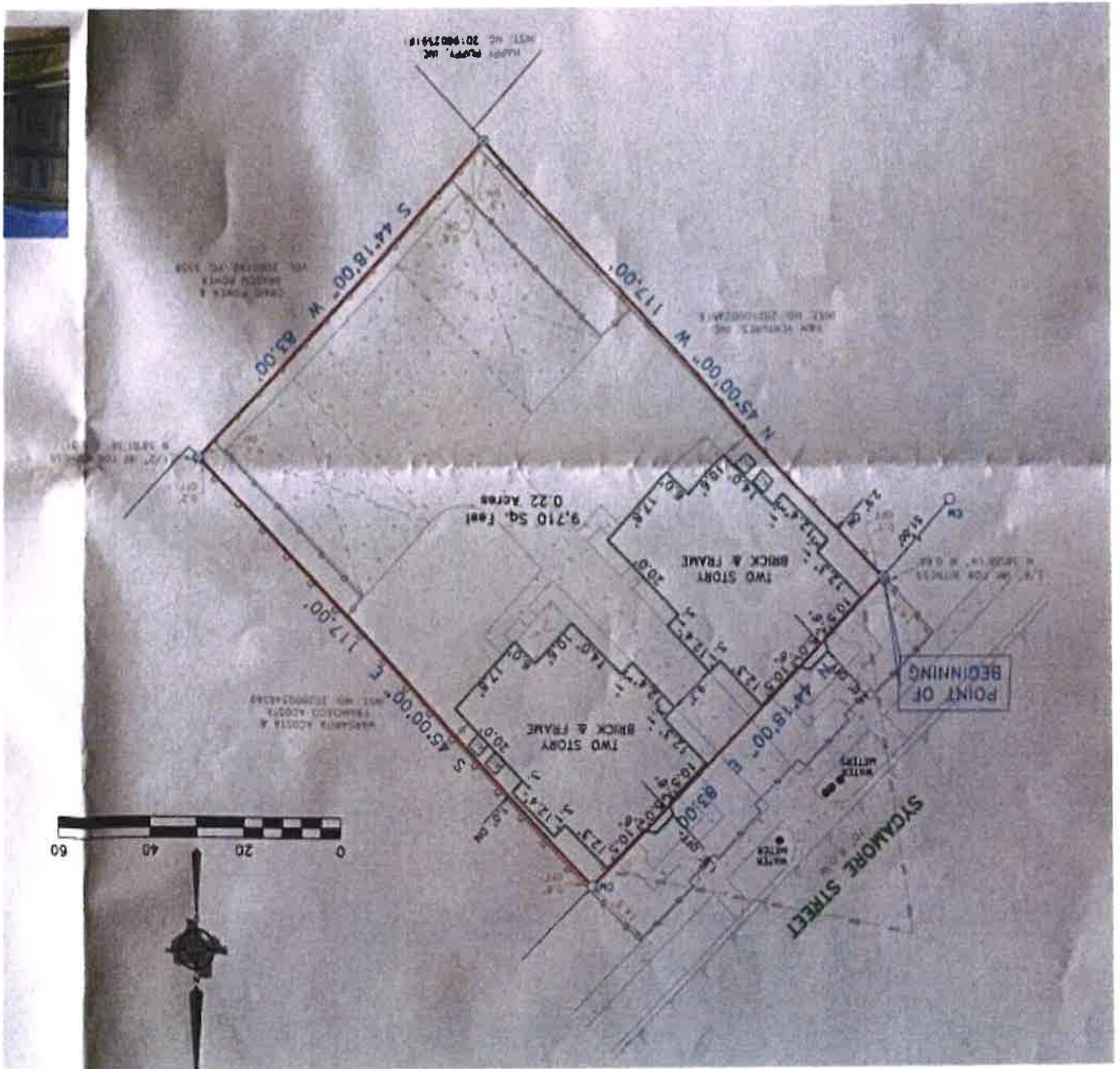
Photos #3 & #4: These photos are of carport #2 and show the bending that has taken place over time to this roof. You can see in the highlighted circles where the bending and bowing has taken place. We would also like to replace this roof to allow for safe parking of vehicles.



Photo #5

Photo #5: An example of what the new aluminum carport roofs will look like. They have a clean and simple look similar to the ones we would like to replace, while also looking updated.

Property site map for your reference.



COA—

Applicant Name: Marlon Lunaty

Date Received: _____

Received by: _____

Window Survey Form

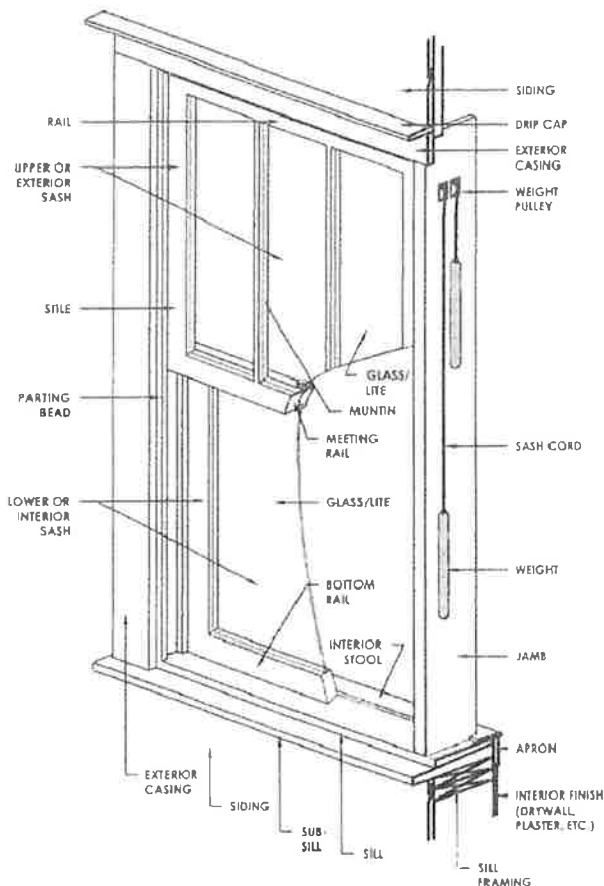
Have	Basic Requirements
☐	1. Photographs or drawing of each elevation of the structure, with all the window openings on each elevation numbered.
☐	2. Photographs of each window opening <i>numbered</i> corresponding to the photographs or drawings from #1.
☐	3. Condition Evaluation of each window (see reverse).
☐	4. Proposed window design (casement, fixed, etc.) , pattern (3/1, 6/6, 1/1, etc.) , materials (wood, vinyl, clad, etc.). etc. Specify if different for certain openings.
☐	5. Proposed window product brochure/information that includes the company's depiction or photograph (not wind load information) of actual windows. We need to know what they look like on the exterior.
☐	6. Other <u>All Windows do not lock properly and are a huge safety risk for new and current tenants</u>

ALL window openings on the structure should be assigned a **number** and **described** under the same number on the back of this sheet. Even those not being replaced should be assigned a number, however a photograph of those windows is not necessary, note on the second page that you aren't looking to replace that window number.

Windows in **pairs** or **groupings** should be assigned **separate** numbers. Windows in dormers and small fixed windows *should* also be included, but *not* door sidelights or transoms associated with a door.

On the second page, describe the issues and conditions of *each* window in detail, referring to the specific parts of the window (see diagram to the left). The photographs can be from the interior, exterior, or both. *Additional close-up photographs*, showing evidence of window condition, **MUST** be provided to better document problem areas.

The Planning and Development Department's evaluation and recommendation is based on deterioration/damage to the window unit, and associated trim. Broken glass and windows that are painted shut are not necessarily grounds for approving replacement.



Total Number of Window Openings on the Structure	38
Number of Historic Windows on the Structure	0
Number of Existing Replacement/Non-Historic Windows	38
Number of Windows Completely Missing	1
Total Number of Windows to be Replaced	31

Date Received: _____
Received by: _____

Duplex Number 1

1

2

4518

3

4

5

6

4516





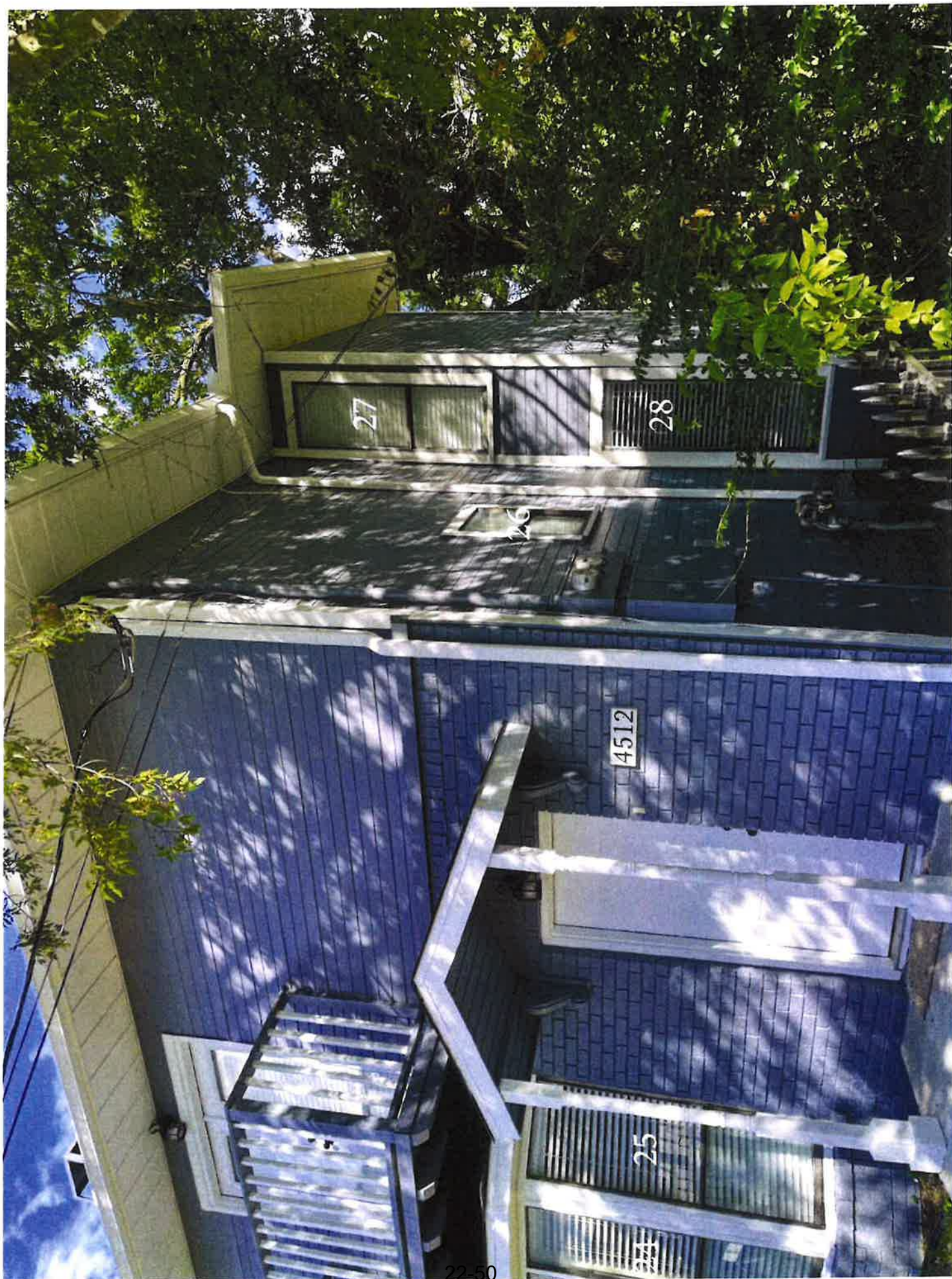




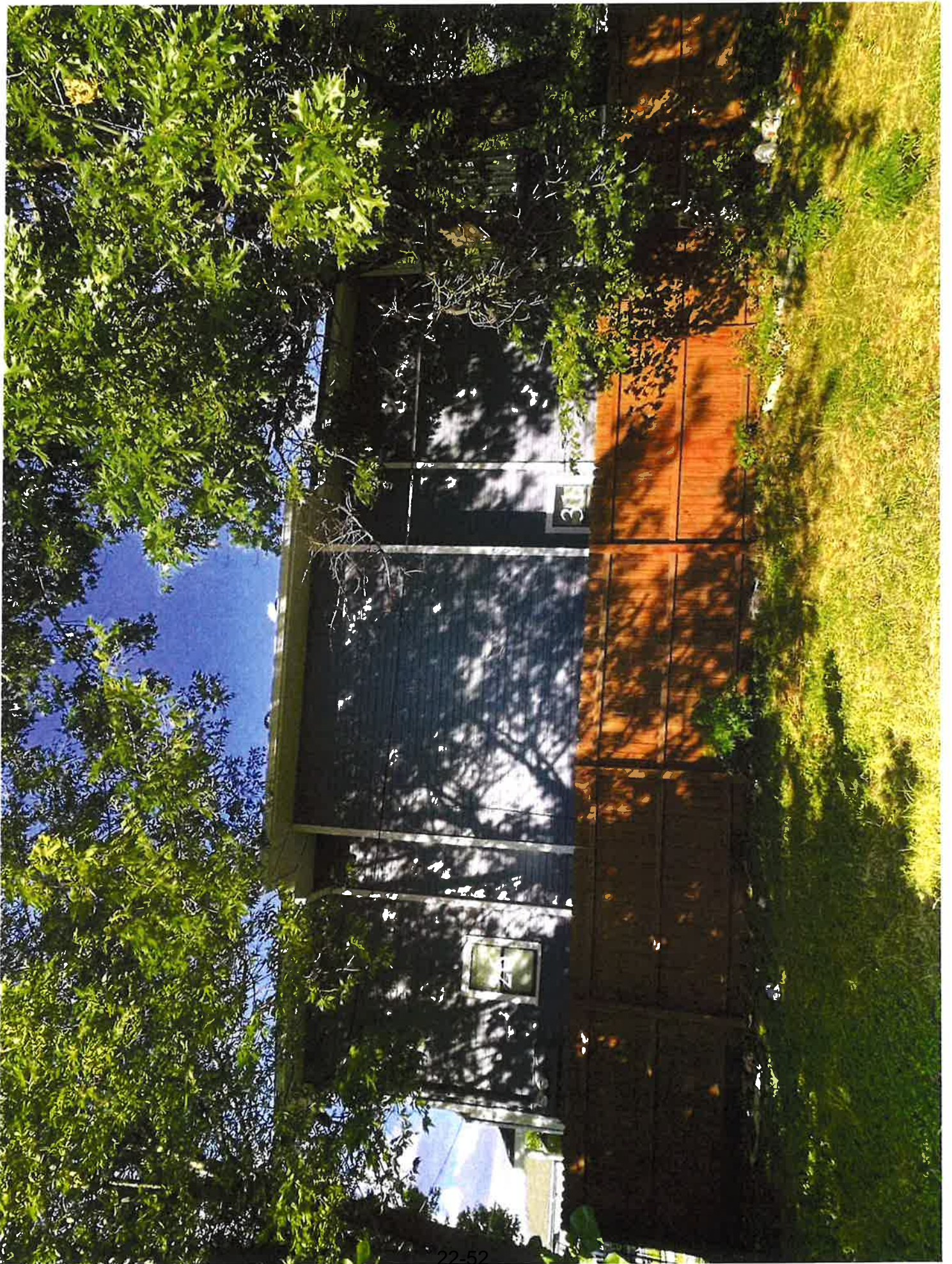




Duplex Number 2







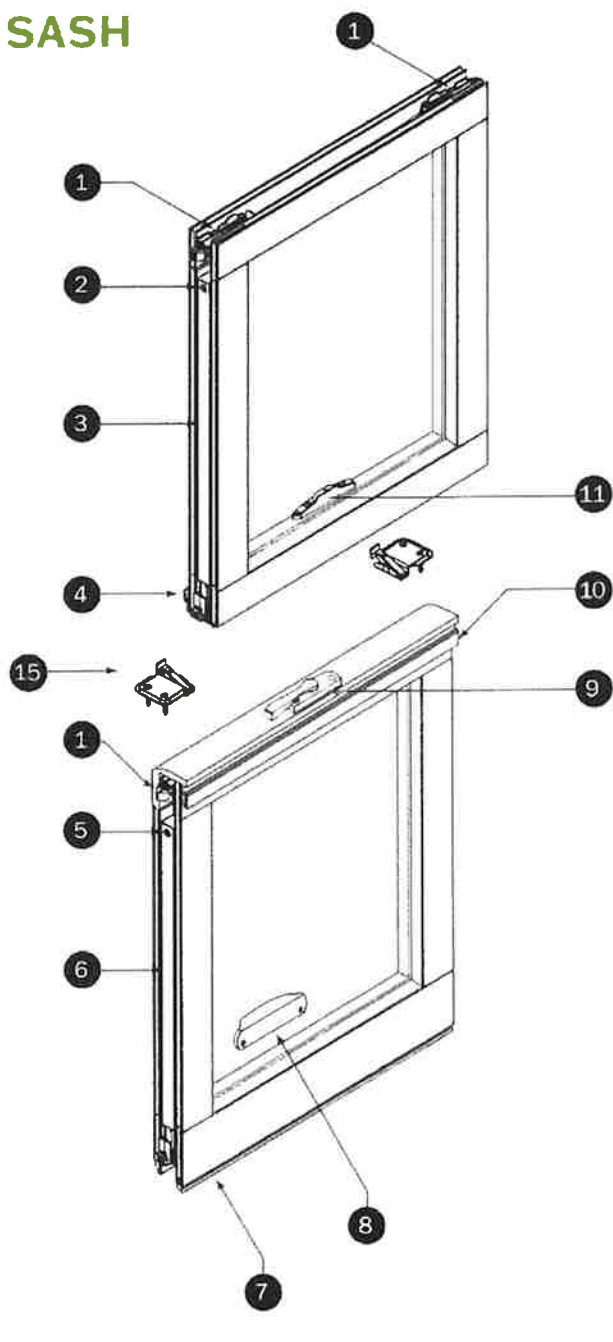




SASH - EXPLODED VIEW

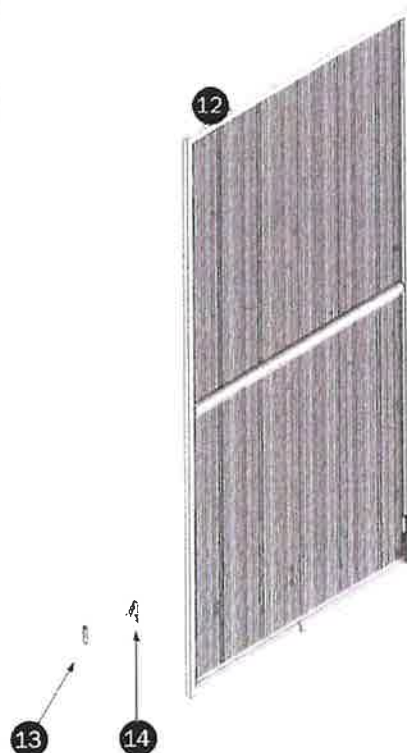
Constructed of Fibrex material. Corner keys provide durable, watertight corners. The mortise and tenon joinery complement the frame. A high-performance silicone sealant provides a watertight seal between the glass and sash.

SASH



DB UPPER AND LOWER SASH COMPONENTS

1. Tilt latch
2. Upper balancer screw
3. Balancer (upper sash)
4. Exterior sash interlock (upper sash)
5. Lower balancer screw
6. Balancer (lower sash)
7. Bottom rail weatherstrip
8. Sash lift (optional)
9. Sash lock
10. Interior sash interlock (lower sash)
11. Sash keeper
12. Insect screen
13. Universal insect screen latch retainer
14. Insect screen latch
15. Opening control device (optional)

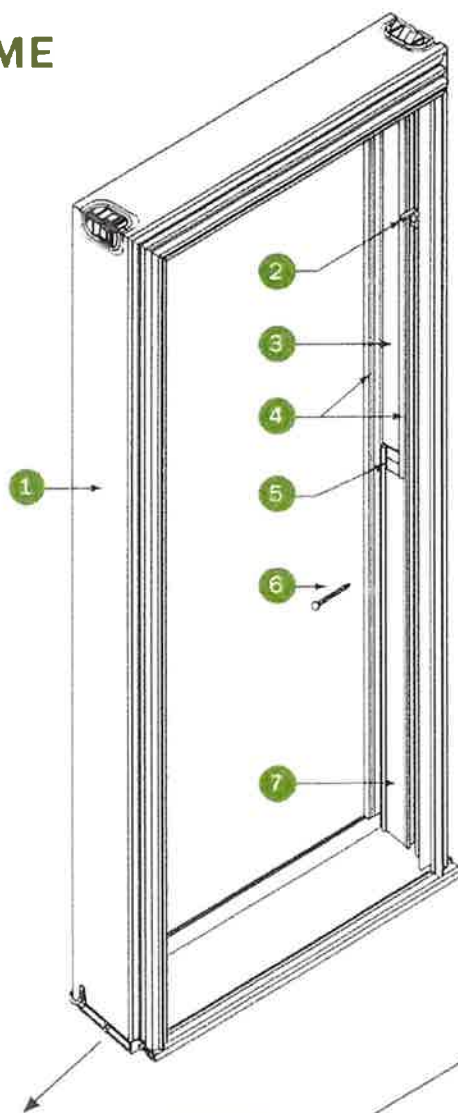


FRAME - EXPLODED VIEW

The following features contribute to the DB Double-Hung window's low maintenance, energy efficiency, ease of operation, and pleasing appearance.

Made of rigid Fibrex[®] material which is a unique structural composite of wood fibers and a special thermoplastic polymer. Developed by Andersen[®], Fibrex combines the strength and stability of wood with the low-maintenance features of our time-tested Perma-Shield[®] cladding.

FRAME



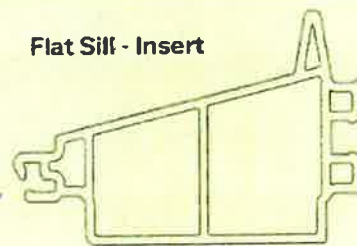
A sloped sill insert double-hung window is displayed in this view. Part usage is the same as, or similar to that of a full-frame or flat sill insert double-hung window.

DB FRAME COMPONENTS

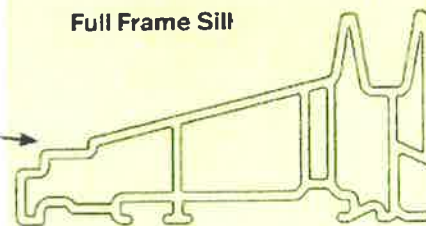
1. Frame (insert)
2. Wash assist
3. Side jamb liner weatherstrip (upper)
4. Side jamb liner (interior and exterior sash tracks)
5. Side cover check rail weatherstrip
6. Balance end clip screw
7. Side jamb liner weatherstrip (lower) with integrated fin pile

SILL VARIATIONS

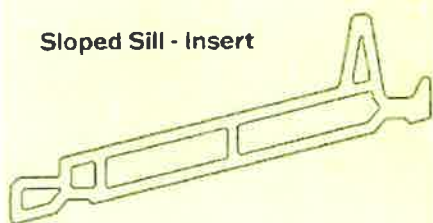
Flat Sill - Insert

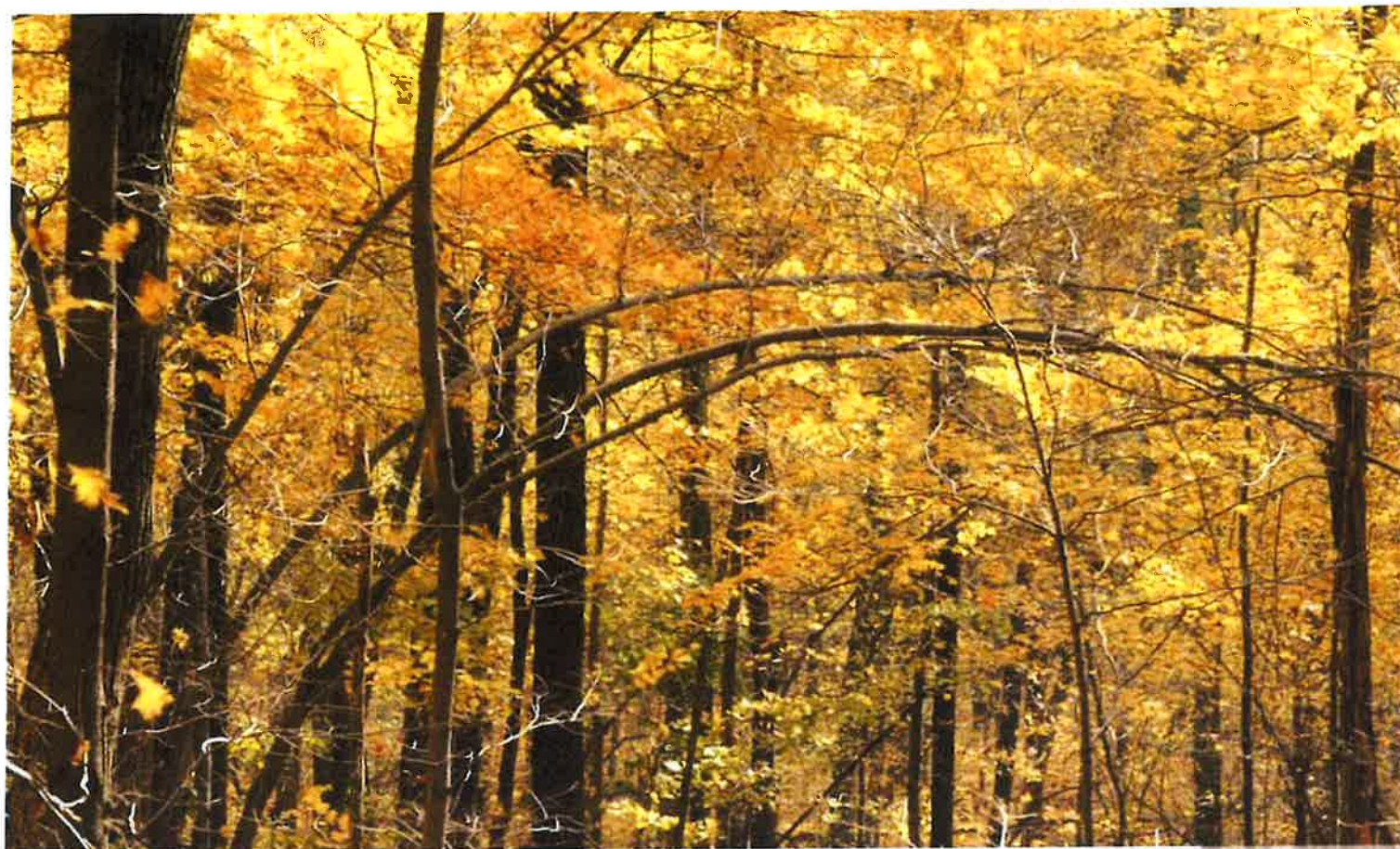


Full Frame Sill



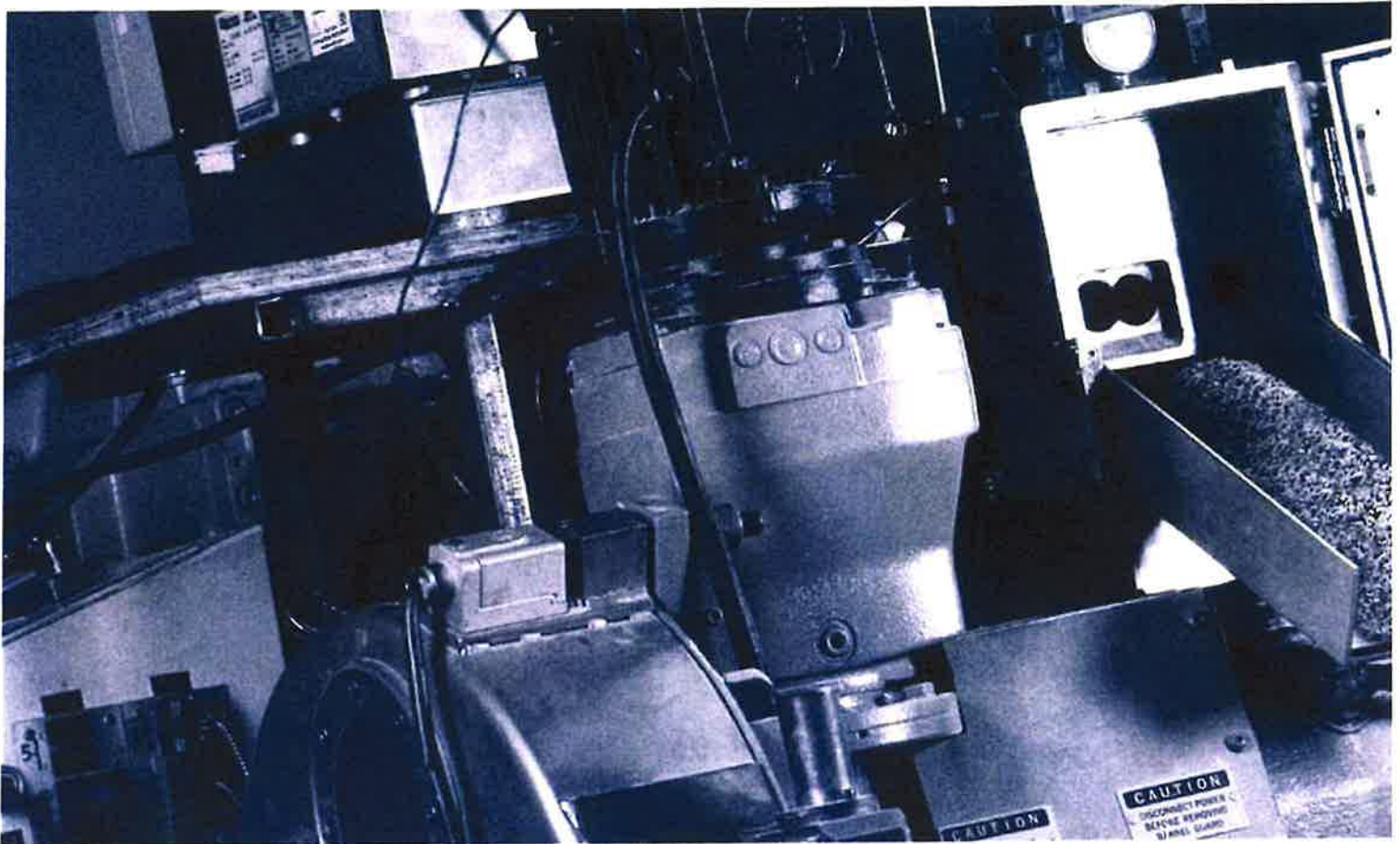
Sloped Sill - Insert



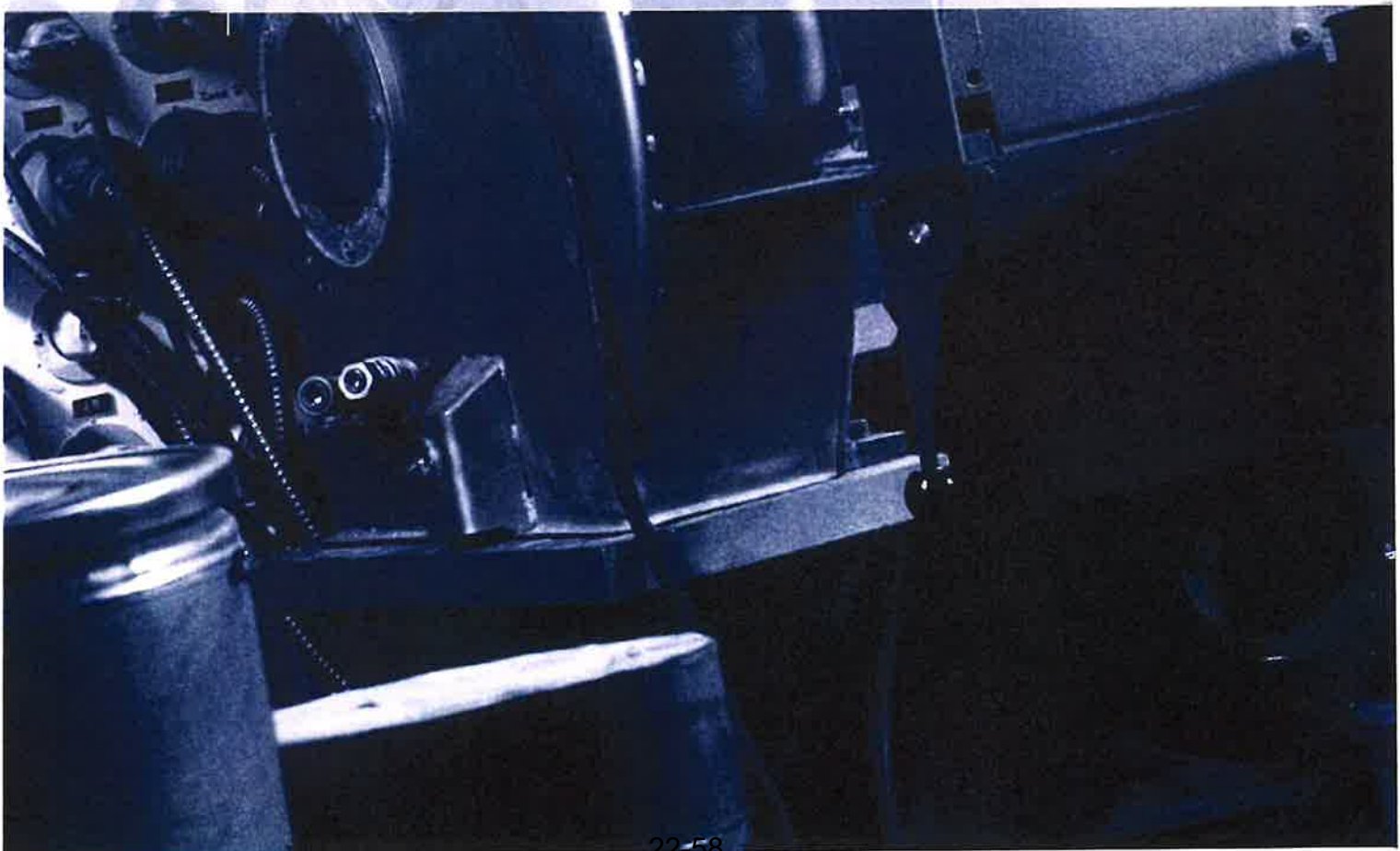


RENEWABLE. RECLAIMABLE. RESPONSIBLE — FIBREX®





FIBREX[®] — ENGINEERED FOR STRUCTURAL PERFORMANCE





A SUPERIOR COMPOSITE

At a time when more and more industries are looking to alternative building materials, Andersen Corporation introduces Fibrex®, a revolutionary structural material composite technology that blends the very best attributes of thermoplastics and bio-fibers. Durable and versatile, you can count on Fibrex® material for strength, appearance and performance — in a wide variety of applications. Already in use for ten years in many Andersen® products, it performs extremely well in all weather and environmental conditions. Best of all, Fibrex® technology can utilize "reclaimed" wood fiber and vinyl from post production processes, helping to save on natural resources. Fibrex® is a strong cost-to-benefit option for your product needs.

FIBREX®





STIFFNESS

Modulus is the scientific term for a material's stiffness. The higher the number, the stiffer the material. The average modulus for Fibrex[®] is over twice the average for vinyl, making it a far more stable and rigid material. And though wood's average stiffness is higher, it is far less predictable than Fibrex[®], since wood has natural variations such as grain, knots and moisture content.

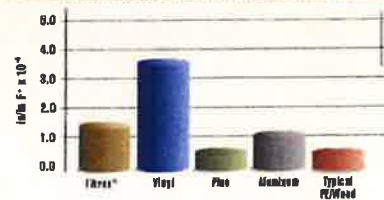
Stiffness



THERMAL EXPANSION

Thermal expansion is the degree to which a given material expands and contracts with changes in temperature. Pine has a very low thermal expansion rate. With a rate of 1.6, Fibrex[®] like aluminum, expands and contracts very little. Vinyl, with a thermal expansion rate of 4.0, expands and contracts at a rate twice that of Fibrex[®], resulting in bowing and cracking over time.

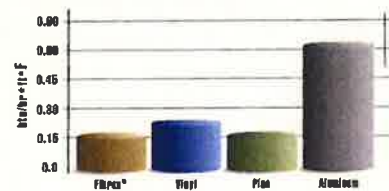
Coefficient of Thermal Expansion (CTE)



CONDUCTIVITY

Fibrex[®] has a very low thermal conductivity ratio. Its insulating properties can be put on par with pine or vinyl. Unlike aluminum, Fibrex[®] resists the transfer of heat or cold.

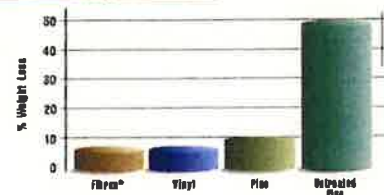
Thermal Conductivity



DECAY RESISTANCE

The special polymer formulations in Fibrex[®] surround, coat and fill the cell structure of each wood fiber in the manufacturing process, ensuring unsurpassed resistance to rot.

Decay Resistance



HEAT RESISTANCE

High temperatures can result in distortion. At high temperatures, vinyl can bow or sag. In tests, Fibrex[®] remains rigid and stable to a temperature of 93°C (199°F).

Heat Distortion Temperature



Fibrex® Properties

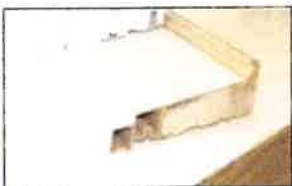
The design versatility of Fibrex® material is enhanced by its exceptional physical properties. Parts made from Fibrex have a high flexural and tensile modulus, low moisture absorption, a higher heat distortion temperature than rigid PVC and a low coefficient of thermal expansion.

Fibrex® material can be extruded or injection molded into functional components. Extruded profiles can be solid or hollow, machined and joined using mechanical fastening, thermal welding and vibratory weld tacking. Profiles can be extruded with a weatherable capstock, enabling color options and color fastness and allowing the surface appearance to be optimized for a specific application.

Fibrex has been found to be an exceptional material when used for siding, decking, railing, fencing, molding, trim, furniture and packaging, to name a few.



Fibrex® decking



Fibrex® window sill



Fibrex® extrusion



Fibrex® Mechanical Properties (Typical)

Measurement	ASTM	Units	Material Value
Tensile Modulus, 77° (25°C)	D3039	psi (MPa)	950,000 (6,550)
Extrusion direction			750,000 (5,200)
Cross-extrusion direction			3,000 (21)
Tensile Yield Strength, 77° (25°C)	D3039	psi (MPa)	5,500 (38)
Tensile Strength (UTS), 77° (25°C)	D3039	psi (MPa)	3,800 (26)
Extrusion direction			1.3
Cross-extrusion direction			0.9
Tensile Strain at Failure, 77° (25°C)	D3039	%	0.342 @ 70°F
Extrusion direction			0.236 @ 160°F
Cross-extrusion direction			
Poisson's Ratio	D630	—	
Flexural Modulus, 77° (25°C)	D790	psi (MPa)	830,000 (5,700)
Compressive Modulus, 77° (25°C)	D695	psi (MPa)	571,000 (3,900)
Modulus of Rupture, 77° (25°C)	D790	psi (MPa)	10,000 (69)
Maximum Flexural Strain (E _{max})	D790	%	1.7
Impact Strength, Gardner, 77° (25°C)	D3029	inch•lbs(J)	5.0 (0.56)
0.1" sample thickness			
Izod Notched Impact, 77° (25°C)	D256	inch•lbs/inch (J/m)	7.0 (28)
Maximum Allowable Dynamic Stress	*	psi (MPa)	16,000 (110)
Extrusion Shrinkage	D3679	%	0.2
Specific Gravity	D792	—	1.4
Hardness, Rockwell "L", 77° (25°C)	D785	—	92
Hardness, Rockwell "M", 77° (25°C)	D785	—	66
Static Coefficient of Friction vs. Neolite std.	F1679-96	—	0.60 wet
Extrusion direction			0.85 dry

Fibrex® Environmental Properties

Measurement	ASTM	Units	Material Value
Moisture Absorption	D570-84	%	0.9
Termite Resistance	—	Weight Loss (g)	0
C. formosanus			0
R. flavipes			None
Fungal Decay	D1413		
Moisture Expansion	D1037	inch/inch/%ΔMC*	1.14x10 ⁻³

Fibrex® Thermal Properties

Measurement	ASTM	Units	Material Value
Heat Deflection Temperature, 264psi (1.82 MPa)	D648	°F (°C)	173 (78)
66 psi (0.46 MPa)			221 (105)
Coefficient of Thermal Expansion	D696	inch/inch/°F (m/m/°C)	1.6x10 ⁻⁵ (2.9x10 ⁻⁵)
Thermal Conductivity	F433	Btu/hr•ft•°F (W/m•K)	0.1 (0.17)
Specific Heat	—	Btu/lb•°F (J/kg•K)	0.4 (1674)
Flash Ignition Temperature	D1929	°F (°C)	644 (340)
Self Ignition Temperature	D1929	°F (°C)	716 (380)
Flame Spread Index	E84-94		10
Smoke Developed Index	E84-94		580
Average Flame Spread Index	E162-94		22.73
Average Optical Density of Smoke	E662-94		
Flaming mode			472.32
Non-flaming mode			439.24
Average Time of Burn	D635-91	sec	<5
Average Extent of Burn	D635-91	mm	<5
Final Oxygen Index	D2863	%volume	31.3



Fibrex® Material Advantage

Special polymer formulations surround and fill each wood fiber — ensuring top performance.



Fibrex



Polyethylene Wood-Fiber Composite

Fibrex® Patents

5,205,102	6,210,792	5,985,429	5,827,607	5,486,553
6,357,197	6,122,877	5,981,067	5,773,138	5,441,801
6,346,160	6,054,207	5,948,524	5,695,874	5,406,768
6,342,172	6,015,612	5,932,334	5,539,027	
6,280,667	6,015,611	5,882,564	5,518,677	
6,265,037	6,004,668	D402,770	5,497,594	

*Additional patents pending

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Fabral 2-1/2-In Corrugated 2.16-ft x 12-ft Corrugated Plain Galvanized Metal Roof Panel

Item #12475 Model #4736008000

★★★★☆ 25



\$31.98



\$30.38 when you choose 5% savings on eligible purchases every day. [Learn how](#)

Corrugated panels are perfect for projects like garages, patio covers and utility buildings

Plain galvanized

Corrugated panels have a rib height of 1/2-in high

1



Add to Cart



Free Store & Curbside Pickup

49 Available today at [C. Dallas Lowe's](#)
Aisle 46 | Bay ENDCAP FRONT



Delivery

Scheduling Available on orders \$50+
Get it by [Wed, Sep 28](#)

BETTER TOGETHER



CURRENT ITEM



Fabral 2-1/2-In Corrugated 2.16-ft x 12-ft Corrugated Plain Galvanized Metal Roof Panel

\$31.98



Selected



Union Corrugating #9 x 1-1/2-in Galvanized Master Rib Exterior Wood Screws (100-Per Box)

\$18.98



Selected



Severe Weather 2-in x 4-in x 12-ft #2 Prime Wood Pressure Treated Lumber

\$9.58



Selected



Teks #9 x 1-1/2-in Gray Zinc-Plated Self-drilling Roofing Screws

\$14.28

Subtotal for (4) items

\$74.82

Add to cart 4 items

COMPLETE YOUR ROOFING PROJECT

 \$64.98 ★★★★★ 153 Metabo HPT 1-1/4-in Smooth Electro-Galvanized Collated Coil Roofing Nails Add to Cart	 \$349.00 \$369.00 SAVE 5% ★★★★★ 231 Metabo HPT 15-Degree Pneumatic Siding Nailer (Tool Only) Add to Cart	 \$32.48 ★★★★★ 27 Union Corrugating Ridge Roll 10-in x 120-in Steel Roof Panel Ridge Cap Add to Cart	 \$13.90 ★★★★★ 1765 7/16-in x 4-ft x 8-ft OSB Add to Cart
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Up to 2.5 Times Better Nail Pull-Through Resistance*

[Shop Now](#)

*Owens Corning® Duration Series Shingle nail performance testing against competitors, 2019.
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OVERVIEW

- Corrugated panels are perfect for projects like garages, patio covers and utility buildings
- Plain galvanized
- Corrugated panels have a rib height of 1/2-in high
- Overall width 26-in with 24-in coverage
- Minimum pitch required 2.5:12
- Exposed fastener application
- Easy-to-install and low maintenance
- Corrugated panels are grade 80 full hard steel
- These metal roofing and siding panels are an economical yet durable solution for most any application

SPECIFICATIONS

Panel Size (Sq. Feet)	25.92	UNSPSC	30161600
Width (Feet)	2.16	Weight (lbs.)	12
Material	Metal	Manufacturer Color/Finish	Plain Galvanized
Length (Feet)	12	Color/Finish Family	Silver
Series Name	2-1/2-In Corrugated	Impact Resistance	×
Warranty	None	Venting Required	×
Brand/Model	6738381000,6789060000,6789061000		

Compatibility

ProfileCorrugated



Easy & Free Returns
Return your new, unused item in-store or ship it back to us free of charge. [Read our Returns Policy for more information](#)

COMPARE

THIS ITEM



Name

Fabral 2-1/2-In
Corrugated 2.16-ft x
12-ft Corrugated Plain
Galvanized Metal Roof
Panel

Add to Cart

Union Corrugating
2.16-ft x 12-ft
Corrugated Silver
Steel Roof Panel

Add to Cart

Union Corrugating
2.16-ft x 12-ft Ribbed
Silver Steel Roof Panel

Add to Cart

Price

\$31.98

\$31.98

\$39.98

Ratings

★★★★☆ 25

★★★★☆ 175

★★★★☆ 55

Material

Metal

Steel

Steel

Length (Feet)

12

12

12.0

Width (Feet)

2.16

2.16

2.16

Profile

Corrugated

Corrugated

Ribbed

Impact Resistance



Front/Back

REVIEWS

★★★★☆ 3.8 out of 5

22-65



Discussion Item #3: 4512 - 4518 Sycamore St

District: Peak's Suburban Addition

Request(s)

A Certificate of Appropriateness (CA) is requested to:

- 1) Paint exterior. (Body: Blue, Trim: White) Work done without a CA.**
- 2) Replace chain link fence around rear and side yards with an eight-foot high (pine) wood fence. Work done without a CA.**
- 3) Install grass in the front and rear of property.**
- 4) Replace roofs on two existing carport structures in rear yard.**
- 5) Replace thirty-one aluminum windows with wood composite windows. (Brand: Andersen, Material: Fibrex®)**



Discussion Item #3: 4512 - 4518 Sycamore St

District: Peak's Suburban Addition

Staff Recommendation(s):

- 1) Deny without prejudice – (painted brick)**
- 2) Approve with conditions**
- 3) Approve**
- 4) Approve**
- 5) Approve with conditions – (wood composite windows)**

Task Force Recommendation(s):

- 1) Deny without prejudice**
- 2) Approve**
- 3) Approve**
- 4) Approve with conditions**
- 5) Deny without prejudice**



LOCATION MAP

4512 – 4518 Sycamore St

Basemap Source: Google Earth



The yellow rectangle highlights the subject property. The purple shading denotes Peak's Suburban Addition coverage.

North (west) elevation.



Subject property is non-contributing.

Exterior Paint – Unauthorized Work



Painted brick on lower half of front elevations, and interior side elevations (approx. 33%).



Orange arrow indicates where bricks end on interior sides

Exterior Paint – Unauthorized Work

Section 51A-4.501(g)(6)(C)(ii) Historic Overlay District

For noncontributing structures, the proposed work is **NOT** compatible with the historic overlay district.

Secretary of the Interior's Guidelines for Setting (District / Neighborhood)

Not Recommended: Removing or substantially changing those building and landscape features in the setting which are important in defining the historic character so that, as a result, the character is diminished.

Installation of (Wood) Fencing – Unauthorized Work



Installation of (Wood) Fencing – Unauthorized Work

Peak's Suburban Addition (H/72), Ordinance No.: 22352

SEC. 2. SITE AND SITE ELEMENTS

2.15 The **finished** side of a fence must face out if seen from any street as illustrated in Addendum B (of ordinance).

Secretary of the Interior's Guidelines for Setting (District / Neighborhood)

Not Recommended: Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the setting.

Roof Replacement on Rear Carports



Photo provided by applicant.

Roof Replacement on Rear Carports – Material Specifications

Compatibility

Profile Corrugated

Step & Free Returns
Return your item, unused, from its store or ship it back to us free of charge. [Read our Return Policy](#) for more information.

COMPARE

View Item

Galvanized Metal

Not impact resistant

Name	Painted 2-1/2-in Corrugated 2.18-ft x 12-ft Galvanized Plain Galvalume Metal Roof Panel	Uncoated Corrugating 2.18-ft x 12-ft Corrugated Silver Steel Roof Panel	Uncoated Corrugating 2.18-ft x 12-ft Ribbed Silver Steel Roof Panel
Price	\$31.00	\$31.00	\$39.00
Rating	★★★★☆ 4.0	★★★★☆ 4.0	★★★★☆ 4.0
Material	Metal	Steel	Steel
Length (Feet)	12	12	12.5
Width (Feet)	2.18	2.18	2.18
Profile	Corrugated	Corrugated	Ribbed
Impact Resistant	✖	✔	✔

REVIEWS

★★★★☆ 3.8 out of 5

Window Replacement (Thirty-one) – Andersen Fibrex® Sample

Old



New



Window Replacement (Thirty-one)



Photos provided by applicant.



Window Replacement (Thirty-one)

Conditions:

- The lite configuration of one over one be retained; and
- The exterior frame of the replacement windows be painted, a complementary accent color.

Staff Recommendation(s):

- 1) That the request for a Certificate of Appropriateness to paint exterior (Body: Blue, Trim: White); work done without a Certificate of Appropriateness be **denied without prejudice**. The proposed work is inconsistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.
- 2) That the request for a Certificate of Appropriateness to replace chain link fence around rear and side yards with an eight-foot high (pine) wood fence; work done without a Certificate of Appropriateness be **approved** in accordance with specifications dated 9/1/22 **with** the following **condition** that the finished side of fence face out, on the left and right sides of the property. Implementation of the recommended condition would allow the proposed work to be consistent with Peak's Suburban Addition's preservation criteria Sections 2.9, 2.13, 2.14 and 2.15 pertaining to Site and Site Elements; City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures; and the Secretary of the Interior's Standards.
- 3) That the request for a Certificate of Appropriateness to install grass in the front and rear of property be **approved** in accordance with specifications dated 9/1/22. The proposed work is consistent with Peak's Suburban Addition's preservation criterion Section 2.6 pertaining to Site and Site Elements; City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures; and the Secretary of the Interior's Standards.

Staff Recommendation(s):

- 4) That the request for a Certificate of Appropriateness to replace roofs on two existing carport structures, in rear yard be **approved** in accordance with specifications dated 9/1/22. The proposed work is consistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.
- 5) That the request for a Certificate of Appropriateness to replace aluminum windows with wood composite windows – thirty-one total (Brand: Andersen, Material: Fibrex®) be **approved** in accordance **with** specifications dated 9/1/22 with the following **conditions**: that the exterior innermost window frames be painted a complementary accent color; and that the lite configuration of the replacement windows be one over one (1 over 1). Implementation of the recommended conditions would allow the proposed work to be consistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.

QUESTIONS

SECTION 4

Landmark Commission Minutes

October 3, 2022

See Page 7- 8, Item #3

LANDMARK COMMISSION MINUTES

October 3, 2022

					Velvin
		Against:	-	0	
		Absent:	-	0	
		Vacancies:	-	1	District 3

The Chair, declared the motion was denied without prejudice by the Landmark Commission and stated that if the applicant feels that the Landmark Commission errored in their decision, may appeal the decision with the City Plan Commission for a fee.

2. 5708 JUNIUS ST

Junius Heights Historic District

CA212-565(CVO)

Carlos van Onna

A Certificate of Appropriateness to replace front porch columns - work completed without a CA.

Speakers: For: No Speakers

Against: No Speakers

Motion

That the request for a Certificate of Appropriateness to replace front porch columns - work completed without a CA be **denied without prejudice**. The proposed work is inconsistent with preservation criteria Section 4.2 and Section 7.3; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards #'s 2 and 5.

Maker:	Commissioner Sherman				
Second:	Commissioner Swann				
Results:	15/0				
		Ayes:	-	15	Commissioner Anderson, Commission Cummings, Commissioner Guest, Commissioner Hajdu, Commissioner Livingston, Commissioner Hinojosa, Commissioner Montgomery, Commissioner Offutt, Commissioner Renaud, Commissioner Sherman, Commissioner Slade, Commissioner Spellicy, Commissioner Swann, Commissioner Rothenberger, Commissioner Velvin
		Against:	-	0	
		Absent:	-	0	
		Vacancies:	-	1	District 3

The Chair, declared the motion denied without prejudice by the Landmark Commission and stated that if the applicant feels that the Landmark Commission errored in their decision, may appeal the with the City Plan Commission for a fee.

3. 4512 - 4518 SYCAMORE ST

Peak's Suburban Addition Neighborhood Historic District

LANDMARK COMMISSION MINUTES

October 3, 2022

CA212-574(RD)

Rhonda Dunn

1. A Certificate of Appropriateness to paint exterior. (Body: Blue, Trim: White) Work done without a Certificate of Appropriateness.
2. A Certificate of Appropriateness to replace chain link fence around rear and side yards with an eight-foot high (pine) wood fence. Work done without a Certificate of Appropriateness.
3. A Certificate of Appropriateness to install grass in the front and rear of property.
4. A Certificate of Appropriateness to replace roofs on two existing carport structures in rear yard.
5. A Certificate of Appropriateness to replace thirty-one aluminum windows with wood composite windows. (Brand: Andersen, Material: Fibrex®)

Speakers: For: Marlon Lunaty
Tom Divers

Against: No Speakers

Motion

1. That the request for a Certificate of Appropriateness to paint exterior (Body: Blue, Trim: White); work done without a Certificate of Appropriateness be **denied without prejudice**. The proposed work is inconsistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards. The painting of the brick is to be removed.
2. That the request for a Certificate of Appropriateness to replace chain link fence around rear and side yards with wood fence be **approved** as submitted.
3. That the request for a Certificate of Appropriateness to install grass in the front and rear of property be **approved** in accordance with specifications dated 9/1/22. The proposed work is consistent with Peak's Suburban Addition's preservation criterion Section 2.6 pertaining to Site and Site Elements; City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures; and the Secretary of the Interior's Standards.
4. That the request for a Certificate of Appropriateness to replace roofs on two existing carport structures, in rear yard be **approved** in accordance with specifications dated 9/1/22. The proposed work is consistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.
5. That the request for a Certificate of Appropriateness to replace wood windows with wood composite windows be **denied**. Wood composition windows are not wood, and these windows would have an adverse effect on the historic district. Work is not consistent with 51A-4.501(g)(6)(c)(ii) for non-contributing structures. Proposed work is not compatible with the historic district.

Maker:	Commissioner Anderson				
Second:	Commissioner Cummings				
Results:	9/5				
		Ayes:	-	9	Commissioner Anderson, Commission Cummings, Commissioner Guest, Commissioner Hajdu, Commissioner Livingston, Commissioner Renaud, Commissioner Sherman, Commissioner Swann, Commissioner Velvin
		Against:	-	5	Commissioner Hinojosa, Commissioner Offutt, Commissioner Slade, Commissioner Spellicy, Commissioner Rothenberger
		Absent:	-	1	Commissioner Montgomery
		Vacancies:	-	1	District 3

SECTION 5

Transcript of the
October 3, 2022
Landmark Commission
Hearing
4512-4518 Sycamore Street
CA212-354(RD)

IN RE: 10-3-22 CASE: CS212-574(RD) 4512-4518
SYCAMORE STREET

AUDIO TRANSCRIPTION

MAGNA LEGAL SERVICES
320 West 37th Street, 12th Floor
New York, New York 10018
(866) 624-6221

Reported by: Marissa Mignano
Job Number: 904541

1 Proceedings

2 EVELYN MONTGOMERY: All right.

3 Dr. Dunn, if you'll go ahead and
4 read it into the record.

5 DR. DUNN: Okay. I'm currently
6 addressing Discussion Item 3, also known
7 as D3. The subject property is located
8 at 4512 through 4518 Sycamore Street in
9 Peak Suburban Edition Neighborhood
10 Historic District. The case number is
11 CA-212-574-RD.

12 The requests are as follows: A
13 certificate of appropriateness to paint
14 exterior, body blue, trim white; was
15 done without a certificate of
16 appropriateness. Request number 2, a
17 certificate of appropriateness to
18 replace chain link fence around rear and
19 side yards with an 8-foot high pinewood
20 fence; work done without a certificate
21 of appropriateness. Request number 3, a
22 certificate of appropriateness to
23 install grass in the front and rear of
24 property. Request number 4, a
25 certificate of appropriateness to

1 Proceedings

2 replace roofs on two existing carport
3 structures in rear yard. And request
4 number 5, a certificate of
5 appropriateness to replace 31 aluminum
6 windows with wood composite windows;
7 brand, Anderson; material, Fibrex®.

8 We do have speakers here, right?
9 Okay.

10 Yeah. The owner of the property
11 is here to address Discussion Item 3.
12 All right. I have registered to speak
13 Marlin and also Tom.

14 Does anyone have a preference over
15 who goes first?

16 Okay.

17 MARLIN LUNADI: I'll go.

18 DR. DUNN: All right. We just
19 need you to state your name, your
20 address and confirmation that you intend
21 to tell the truth today.

22 MARLIN LUNADI: Hi. My name is
23 Marlin Lunadi. Address, 4512 Sycamore
24 Street, Dallas, Texas 75204. And I
25 affirm to say the truth.

1 Proceedings

2 I think most of the materials that
3 we put in with Dr. Dunn have been given
4 to the Board here. If you have any
5 questions regarding any of the requests,
6 I'll be more than happy to answer any
7 questions.

8 EVELYN MONTGOMERY: So you don't
9 have a presentation? You're here for
10 questions?

11 MARLIN LUNADI: Yes.

12 EVELYN MONTGOMERY: Okay. Is that
13 the same for other speaker?

14 MARLIN LUNADI: No, Thomas is here
15 to have a presentation for the windows.

16 EVELYN MONTGOMERY: Got it. Well,
17 if he has a presentation that you'd like
18 to do, let's go ahead and we'll do that
19 before we begin asking questions.

20 MARLIN LUNADI: Okay.

21 EVELYN MONTGOMERY: I just need
22 you to state your name, address and
23 confirmation you intend to tell the
24 truth today.

25 THOMAS DIVERS: Yes, ma'am. My

1 Proceedings

2 name is Tom Divers, 4025 Oak Grove
3 Court, Flower Mound, Texas. I'm a
4 representative for Renewal by Anderson,
5 and I do swear to tell the truth.

6 Pretty much, I just brought a
7 window and I'll answer any questions you
8 guys have pertaining to the window
9 installation at the residence. I
10 believe that requirements are wood
11 windows and so wood composite windows
12 are designed, same thing as wood,
13 indiscernible with a wood window. And I
14 did supply photos to Dr. Dunn, which
15 show the window installed. So I'm
16 really here just to answer any questions
17 and if you guys like to see a window, I
18 brought a demo window to show.

19 EVELYN MONTGOMERY: Thank you. Do
20 we have any questions in person?

21 MARLIN LUNADI:

22 UNKNOWN SPEAKER: Pardon me?

23 EVELYN MONTGOMERY: Do we have any
24 questions from any of our commissioners
25 in person?

1 Proceedings

2 UNKNOWN SPEAKER: I have a
3 question of the applicant -- of the
4 owner.

5 Sir, this building has a bit of a
6 history. The brick was painted, and
7 this Landmark Commission denied the
8 application. And you're a relatively
9 new owner?

10 THOMAS DIVERS: Yes.

11 UNKNOWN SPEAKER: Have you been
12 informed that the brick was painted
13 without an application, that it is
14 supposed to be stripped back to natural
15 brick?

16 MARLIN LUNADI: We were informed
17 when Dr. Dunn told us. When we first
18 bought the property, we didn't know that
19 it had been painted. And we didn't know
20 it was in the historic district to begin
21 with. So all those -- the painting that
22 was on there and on the brick, we were
23 unaware of.

24 UNKNOWN SPEAKER: Okay. Thank
25 you.

1 Proceedings

2 COMMISSIONER ANDERSON: I also
3 have a question. I asked in the
4 briefing, is there a -- thank you --
5 question, the briefing, did the code
6 compliance staff -- is there a case that
7 was activated on this, and, if so, why
8 was the brick not removed?

9 EVELYN MONTGOMERY: Yes. Okay.
10 To address your question, there is a
11 code case existing. And the issue is
12 that -- in other words, the current
13 owner is being given the opportunity to
14 address the former code violations
15 through the certificate of
16 appropriateness process. So that's a
17 part of why he is here and why we're
18 going through this.

19 So it was not ignored. Okay.

20 COMMISSIONER ANDERSON: Right.

21 EVELYN MONTGOMERY: And he has
22 been informed that there was an issue
23 with the brick being painted, but we
24 have decided to give the owner an
25 opportunity to address how to handle

1 Proceedings

2 this through the certificate of
3 appropriate -- this process, which is
4 what we're involved in now.

5 UNKNOWN SPEAKER: Madam Chair?

6 COMMISSIONER ANDERSON: Okay. So
7 this is related to the other case then?

8 EVELYN MONTGOMERY: Correct. And
9 if you read the staff report, it does
10 list the history, including the other
11 case.

12 COMMISSIONER ANDERSON: Then what
13 about the steel doors that were also
14 denied at the Landmark Commission?
15 That's not here today.

16 EVELYN MONTGOMERY: That's not a
17 part of this request, no.

18 COMMISSIONER ANDERSON: Why is
19 that not here? That was part of the
20 whole situation.

21 EVELYN MONTGOMERY: That I am not
22 sure of -- on the steel door issue.

23 Does it have steel doors?

24 MARLIN LUNADI: What doors are you
25 referring to?

1 Proceedings

2 COMMISSIONER ANDERSON: 12/7/2020:
3 Steel doors, painted brick and
4 landscaping were denied by the Landmark
5 Commission. But we're not talking about
6 the rest of it.

7 EVELYN MONTGOMERY: I think I'll
8 defer to the city attorney, but if it's
9 not posted about the doors and it's not
10 in the application, that's something
11 that we'd have to handle at a later
12 time.

13 COMMISSIONER ANDERSON: Well, my
14 concern is that we're not handling these
15 things ever.

16 EVELYN MONTGOMERY: I understand.

17 COMMISSIONER ANDERSON: But how do
18 we get -- okay. Another time.

19 MR. MILLER: Madam Chair?

20 EVELYN MONTGOMERY: Yes,
21 Mr. Miller?

22 MR. MILLER: I've had a brief
23 moment to review the question raised in
24 the briefing session this morning, and
25 that was in relation to CA 201095 MP

1 Proceedings

2 heard by the Landmark Commission on
3 December 7, 2020.

4 In the description, the project
5 included painting the lower half of the
6 front and front side elevations a blue
7 tone that contrasted with the brown
8 painted-wood siding. In the analysis,
9 it was determined that the multicolored
10 brick appears more modern and is
11 unlikely that the brick itself was
12 historic. In this instance, an
13 important consideration is that the
14 proposed work to non-historic materials
15 is more of a visual impact on the
16 character and appearance of the
17 district.

18 The recommendation was to deny
19 without prejudice. There was no
20 mention, nor reason to remove paint from
21 non-historic brick. But if a
22 non-contributor is painted, then the
23 color needs to be compatible. I just
24 wanted to put that out from --

25 COMMISSIONER ANDERSON: What was

1 Proceedings

2 the Landmark Commission's action on that
3 item?

4 MR. MILLER: The Landmark
5 Commission's action was to deny without
6 prejudice. In the minutes it says that
7 the request for a certificate of
8 appropriateness to continue painting the
9 brick that has been initiated be denied
10 without prejudice because painted brick
11 would have an adverse effect on the
12 historic overlay district and does not
13 meet the standard in city code section
14 518451.

15 COMMISSIONER ANDERSON: Thank you.

16 UNKNOWN SPEAKER: Madam Chair, if
17 I may, I just want to remind this
18 commission that this commission is
19 quasi-judicial, so therefore, it should
20 be -- everything that's presented at the
21 public hearing and staff report, you
22 should draw your conclusions from the
23 evidence presented today at this
24 hearing. We shouldn't consider past
25 decisions from this commission because

1 Proceedings

2 that could be (inaudible), and the
3 applicant really has the burden of proof
4 to prove up his case in a favorable
5 manner.

6 In this instance, because this is
7 the non-contributing structure, we have
8 to follow this, the non-contributing
9 standard, and whether or not the
10 proposed work presented today is
11 compatible with the historic district.
12 So we should just be looking at the
13 request today. And although there may
14 have been a request to deny a steel door
15 in the past, because it's not in this
16 agenda today, we cannot speak about it.
17 That would be a violation of the Texas
18 Open Meetings Act.

19 EVELYN MONTGOMERY: Do I have any
20 questions from any other commissioners
21 in person?

22 Do we have any questions from any
23 commissioners online? We can't see
24 everyone, so if you have something to
25 say, please just give us your name and

1 Proceedings

2 begin.

3 COMMISSIONER HOSA: I have a
4 comment. This is Commissioner Hannah
5 Hosa (phonetic)

6 EVELYN MONTGOMERY: Yes. Thank
7 you, Commissioner Hannah Hosa.

8 COMMISSIONER HOSA: Right. I
9 think it was Mr. Anderson that was
10 talking about the painting of the brick
11 that needs to be stripped and go back to
12 the original brick. But in my reading
13 of the staff recommendations, I read
14 that it's either that or painting it --
15 the bottom part of the brick an earth
16 tone color. Am I correct in
17 understanding?

18 COMMISSIONER SHERMAN: Yes,
19 Commissioner. You are correct. Those
20 were my suggestions.

21 COMMISSIONER HOSA: Thank you.

22 EVELYN MONTGOMERY: Okay. Any
23 other commissioners online?

24 All right. Hearing none, I'll --
25 You do have one? Okay.

1 Proceedings

2 Commissioner Swan.

3 COMMISSIONER SWAN: I guess this
4 is a question for staff. The condition
5 that the interior -- innermost part of
6 the exterior frames be painted a
7 complementary color, I was just
8 wondering where that condition came
9 from. What it's responding to within
10 the ordinance or within the
11 neighborhood.

12 EVELYN MONTGOMERY: Okay. It's
13 responding to visual compatibility.
14 With respect to the Secretary of the
15 Interior's guidelines on the treatment
16 of properties, it does say that you
17 should, if at all possible, preserve
18 visual relationships.

19 And within the district there
20 is -- and in the ordinance, there is
21 guidelines on paint colors and
22 basically, it's your dominant color,
23 your trim color, your accent color. And
24 your accent color should be on your
25 innermost frames of your windows. So

1 Proceedings

2 that's where that was coming from.

3 COMMISSIONER SWAN: Okay. All
4 right, thank you.

5 EVELYN MONTGOMERY: All right.
6 With that, do I have anyone --

7 COMMISSIONER ANDERSON: I have a
8 second question.

9 EVELYN MONTGOMERY: Okay, you got
10 it, Commissioner Anderson.

11 COMMISSIONER ANDERSON: Second
12 question is the wood composite windows.
13 This historic district requires wood
14 windows. We do not allow things such as
15 Hardie Board because it's an imitation
16 material. So I'd like to get more
17 information on what wood composite
18 windows are and how they are to be used
19 in this historic district.

20 EVELYN MONTGOMERY: Can I refer to
21 Mr. Divers?

22 THOMAS DIVERS: The wood composite
23 windows designed by Anderson is designed
24 to replicate a wood window using wood
25 and thermal polymers in a composite

1 Proceedings

2 blend. What that does is just prevents
3 the wood window from rotting, so that
4 way you don't have a rotten window in
5 two years. The window is going to last
6 an extended period of time. It's got a
7 20-year warranty that prevents it --
8 that says it won't rot. Is there
9 something I'm not hitting or some
10 specific information looking for?

11 COMMISSIONER ANDERSON: Well, the
12 concern I have is in historic districts,
13 we're very concerned about materials.
14 And I know we don't use Hardie Board or
15 cement fibers board because it's not
16 real wood, and I see this as sort of
17 akin to that. And I have a concern of
18 bringing that forth on this building,
19 even though it may be non-contributing,
20 because it will then be something that
21 will be considered in the rest of the
22 district. And I don't think it's
23 appropriate to not have real wood
24 windows in historic districts.

25 THOMAS DIVERS: The windows are

1 Proceedings

2 indiscernible from a wood window, and I
3 supplied photos of two windows. One was
4 installed the next day. And those are
5 the windows that are showing in this
6 photo right there.

7 EVELYN MONTGOMERY: They're just
8 not coming up.

9 THOMAS DIVERS: Yeah, I'm sorry.
10 But there's no difference. When you
11 look at the window, you can't tell if
12 the -- a wood composite windows finish
13 is pretty much looks like smoothly --
14 fine wood that's painted. There's no
15 difference at all. Both are based on
16 wood. It's just one rots and one
17 doesn't. So if you don't go back and
18 paint and stain your windows on a
19 regular basis every year, you're going
20 to have a lot of rot in your historic
21 district.

22 EVELYN MONTGOMERY: Commissioner
23 Cummings.

24 COMMISSIONER CUMMINGS: I have a
25 question with the windows. I don't see

1 Proceedings

2 a selection made on the sill conditions.
3 I don't see, also, any dimensions on the
4 details, such as the sashes. This being
5 a historic and a -- period, whether it's
6 non-contributor or not, it's still
7 period to the building itself. I'm
8 looking for dimensions, and I'm looking
9 for the thickness that we're going to be
10 needing to be seeing on (inaudible) rows
11 and some of the dimensions on the sash.
12 Where are those dimensions located on
13 what's been submitted?

14 THOMAS DIVERS: The dimensions for
15 the window we did were, like-for-like,
16 are the existing windows that they had
17 in there.

18 COMMISSIONER CUMMINGS:
19 Like-for-like?

20 THOMAS DIVERS: Yes, sir.

21 COMMISSIONER CUMMINGS: Well, to
22 ascertain what like-for-like really is,
23 we need to see what the dimensions are
24 so we can actually compare those
25 dimensions to somebody else. Because I

1 Proceedings

2 don't see on the detail that's provided
3 that -- it looks like the meeting sash
4 is the same dimension as the side rail
5 sashes and the top rail sashes. I don't
6 see a difference between your meeting
7 rail sash. That's a very prominent
8 feature on historical windows, interior
9 windows, and I don't see that.

10 THOMAS DIVERS: You're talking
11 about the middle sash, the one where the
12 two windows meet, the up sash and the
13 bottom sash --

14 COMMISSIONER CUMMINGS: No, I'm
15 talking about the bottom sash. There's
16 also indications of differences on the
17 thickness of the meeting sash, but let's
18 just talk about the bottom sash. What's
19 your dimension on your bottom sash? And
20 I also don't see a sill detail that was
21 called out, and you had three choices on
22 the windowsills.

23 THOMAS DIVERS: So the windowsills
24 are actually going to be the same as a
25 wood window. They're going to be sloped

1 Proceedings

2 sills. Instead of having a trough, like
3 a plastic window where the water
4 collects. The exterior troughs -- the
5 exterior sill --

6 COMMISSIONER CUMMINGS: What is
7 your dimension of the bottom sash?

8 THOMAS DIVERS: What do you mean?
9 The size of the bottom sash? I have to
10 pull up this file real quick.

11 COMMISSIONER CUMMINGS: Correct.
12 It doesn't seem like there's a
13 difference between the bottom sash
14 dimension and the side dimension.

15 THOMAS DIVERS: Here and here?

16 COMMISSIONER CUMMINGS: Yes.

17 THOMAS DIVERS: I'm so confused.
18 You're talking about the dimensions of
19 this width and the width here.

20 COMMISSIONER CUMMINGS: What's the
21 difference between those two?

22 THOMAS DIVERS: It's pretty
23 indiscernible, but I have a measuring
24 tape.

25 COMMISSIONER CUMMINGS: Wood

1 Proceedings

2 windows are usually not -- wood windows,
3 the bottom sash is a different
4 dimension.

5 THOMAS DIVERS: They're thicker.
6 The bottom sash is going to be thicker
7 because the bottom one is two inches.
8 The side sash is going to be an inch and
9 quarter. I don't know if you can see
10 that where you are.

11 EVELYN MONTGOMERY: Yes.

12 Do you have any additional
13 questions, Commissioner Cummings?

14 COMMISSIONER CUMMINGS: No.

15 EVELYN MONTGOMERY: Thank you.

16 Commissioner Rothenberger, do you
17 have a question for staff? No?

18 COMMISSIONER ROTHENBERGER:
19 (Inaudible).

20 EVELYN MONTGOMERY: Okay. All
21 right.

22 Any more questions online?

23 Doesn't appear so.

24 Any questions in person?

25 So with that, do I have someone

1 Proceedings

2 that is ready to make a motion?

3 COMMISSIONER ANDERSON: I'll make
4 a motion.

5 EVELYN MONTGOMERY: Okay.
6 Mr. Anderson.

7 COMMISSIONER ANDERSON: In case
8 4512-4518 Sycamore Street in the Peak
9 Suburban Edition Historic District case
10 number CA-212-574-RD, I want to follow
11 the staff recommendation with two
12 changes. On Item Number 1, I'd like to
13 add the paint on the brick is to be
14 stripped. And Number 5 would like to
15 change to Denial without -- Denial.
16 Straight denial. Wood composition
17 windows are not wood, and these windows
18 will have an adverse effect on the
19 historic district. Work is not
20 consistent with 51A-4.501 G6, Romanette
21 1, for non-contributing structures.

22 EVELYN MONTGOMERY: Is there a
23 second?

24 COMMISSIONER CUMMINGS: Second.

25 EVELYN MONTGOMERY: Yes.

1 Proceedings

2 Yes, Mr. Anderson?

3 COMMISSIONER ANDERSON: I'd like
4 to add that the proposed work is not
5 compatible with Historic District.

6 EVELYN MONTGOMERY: Under?

7 UNKNOWN SPEAKER: Under Romanette
8 2. Not Romanette 1.

9 COMMISSIONER ANDERSON: Romanette
10 2.

11 EVELYN MONTGOMERY: We have a
12 second by Commissioner Cummings. Does
13 anyone want to speak on this matter.

14 COMMISSIONER HOSA: Yes,
15 Commissioner, I'd like to make a
16 comment.

17 EVELYN MONTGOMERY: Yes. Yes.
18 Thank you, Commissioner Hosa.

19 COMMISSIONER HOSA: Thank you.

20 I am not in agreement with
21 stripping the blue paint. From my
22 reading of the staff report, these
23 owners took on this building. It had
24 yellow paint prior, and so they changed
25 it to blue. I'm afraid that if they

1 Proceedings

2 strip it -- I would prefer that they
3 just repainted to an earth tone color,
4 as the staff recommended, rather than
5 strip it, which might damage the brick.

6 Thank you.

7 For that reasoning, I'm not going
8 to support that motion.

9 EVELYN MONTGOMERY: Any other
10 commissioners online? No.

11 Any other commissioners in person?

12 Commissioner Rothenberger?

13 COMMISSIONER ROTHENBERGER: Yes.

14 Thank you.

15 I did just want to read
16 specifically regarding the windows. I
17 would not support this motion. I do
18 believe the wood-look windows are
19 appropriate for a non-contributing
20 structure.

21 I do want to read 3.10 of this
22 ordinance, Where replacement of an
23 original door window is necessary due to
24 damage or structure deterioration,
25 replacement doors and windows must

1 Proceedings

2 express a mullion size, like
3 configuration, and material to match
4 original doors and windows.

5 We don't determine what the
6 original material would have been, and
7 I'm sure we would rather a wood-look
8 material as opposed to the continuation
9 of these aluminum windows. And so,
10 therefore, I would not support this
11 motion as stated.

12 EVELYN MONTGOMERY: All right.
13 With that, Commissioner Sherman?

14 COMMISSIONER SHERMAN: Yes, I will
15 support the motion. And I disagree that
16 these windows are not discernible from
17 wood. I could tell from this distance
18 that they are definitely not wood and
19 they have a distinct different
20 appearance from wood. And I think when
21 it comes to whether or not a building is
22 contributing or not, I think that the
23 strategies that are employed as it gets
24 to move forward should make it less
25 non-contributing. And the use of these

1 Proceedings

2 windows would, I think, simply
3 exacerbate its non-contributing nature.

4 Thank you.

5 EVELYN MONTGOMERY: Thank you,
6 Commissioner Sherman.

7 Commissioner Swan?

8 COMMISSIONER SWAN: Yeah. I have
9 a question. Does this motion address --
10 or is it pertaining to condition on Item
11 Number 2 the finished side of the fence
12 face out on the other side of that
13 property.

14 COMMISSIONER ANDERSON: It follows
15 the staff recommendation, except for
16 those two changes.

17 COMMISSIONER SWAN: Okay. I was
18 asking because the task force
19 (inaudible).

20 EVELYN MONTGOMERY: Mr. Swan, can
21 you please turn on your microphone?

22 COMMISSIONER SWAN: Yes.

23 EVELYN MONTGOMERY: Thank you.

24 COMMISSIONER SWAN: Certainly.
25 I'm sorry. Thank you.

1 Proceedings

2 I was asking the question well,
3 for two reasons. First of all, the
4 staff recommendation seems to be okay
5 with the fence, it says, "as submitted."
6 I presume that means as built. But it
7 also seems that it's not unreasonable
8 since this is in the interior of the
9 block and not a corner side yard
10 condition to go with task force, which
11 seems to be okay with the fence as is,
12 and not required that they be turned to
13 face out.

14 EVELYN MONTGOMERY: Are you
15 intending to make an amendment?

16 COMMISSIONER SWAN: Yes. I'm
17 asking if the maker the motion would
18 entertain an amendment. I'm asking if
19 the maker of the motion would entertain
20 an amendment to permit Item 2 to be an
21 approval without condition.

22 COMMISSIONER ANDERSON: That's
23 fine.

24 COMMISSIONER SWAN: Okay.

25 EVELYN MONTGOMERY: Is that okay

1 Proceedings
2 with Commissioner Cummings?
3 COMMISSIONER CUMMINGS: Yes.
4 EVELYN MONTGOMERY: Thank you.
5 All right. If there's no one else
6 that has anything. Let's go ahead and
7 take a vote.
8 All those in favor go ahead and
9 raise your hand so that she can get a
10 count.
11 Okay. It looks like -- did you
12 count nine? Where's Elaine?
13 Can we do a record vote?
14 District 1?
15 DISTRICT 1: Aye.
16 EVELYN MONTGOMERY: District --
17 she is recused.
18 District 4?
19 DISTRICT 4: Aye.
20 EVELYN MONTGOMERY: District 5?
21 DISTRICT 5: No.
22 EVELYN MONTGOMERY: District 6?
23 DISTRICT 6: Nay.
24 EVELYN MONTGOMERY: District 7?
25 DISTRICT 7: Aye.

1
2 EVELYN MONTGOMERY: District 8?
3 DISTRICT 8: Nay.
4 EVELYN MONTGOMERY: District 9?
5 DISTRICT 9: Aye.
6 EVELYN MONTGOMERY: District 10?
7 DISTRICT 10: Aye.
8 EVELYN MONTGOMERY: District 12?
9 DISTRICT 12: Nay.
10 EVELYN MONTGOMERY: District 13?
11 DISTRICT 13: Aye.
12 EVELYN MONTGOMERY: District 14?
13 DISTRICT 14: Aye.
14 EVELYN MONTGOMERY: District 15?
15 DISTRICT 15: Aye.
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C E R T I F I C A T E
STATE OF NEW YORK)
: SS
COUNTY OF NEW YORK)

I, Marissa Mignano, a Notary
Public within and for the State of New York,
do hereby certify the within is a
a true and accurate transcription of the
audiotapes recorded.

I further certify that I am
not related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 12TH day of
DECEMBER 2022.

-----*Marissa Mignano*-----
MARISSA MIGNANO

SECTION 6

Historic Preservation Criteria Dallas Development Code § 51A-4.501

ARTICLE 63.

PD 63.

SEC. 51P-63.101.

LEGISLATIVE HISTORY.

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

SEC. 51P-63.102.

PROPERTY LOCATION AND SIZE.

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

SEC. 51P-63.103.

DEFINITIONS.

(a) In this article:

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

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

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

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

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

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

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

(19) REAR YARD means:

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

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

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

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

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

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

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

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

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

SEC. 51P-63.104.

INTERPRETATIONS.

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

SEC. 51P-63.105.

RECONCILIATION WITH ORDINANCE NO. 17285 AND THE DALLAS DEVELOPMENT CODE.

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

SEC. 51P-63.106.

NONCONFORMING USES AND STRUCTURES.

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

- (b) Nonconforming uses.

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

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

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

SEC. 51P-63.107.

GRAPHICS.

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

SEC. 51P-63.108.

ENFORCEMENT.

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

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

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

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

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

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

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

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

(d) Defenses to prosecution.

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

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

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

(aa) located at ground level;

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

(cc) located along eaves or soffits; or

(dd) located on an accessory building;

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

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

(iv) a lawn sprinkler system; or

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

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

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

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

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

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

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

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

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

SEC. 51P-63.109. PENALTY.

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

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

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

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

(b) **Review by the director.**

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

(A) Routine maintenance or replacement.

(B) Minor exterior alterations.

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

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

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

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

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

- (i) a chimney located on an accessory building, or on the rear 50 percent of a main building and not part of the corner side facade;
- (ii) an awning located on an accessory building, or on the rear facade of a main building; and
- (iii) a roof of the same or an original material that does not include a change in color;
- (iv) a wood or chain link fence that is not painted or stained;
- (v) gutters and downspouts of a color within the acceptable color range that matches or complements the dominant, trim, or roof color;
- (vi) paint of a color within the acceptable color range;
- (vii) skylights and solar panels;
- (viii) storm windows and doors; or
- (ix) window and door screens.

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

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

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

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

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

(e) Review by the commission and city council.

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

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

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

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

(A) a structure in this district;

(B) a blockface in this district; or

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

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

(A) a structure in this district;

(B) a blockface in this district; or

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

SEC. 51P-63.111.

NOTICE REQUIREMENTS.

The following notice requirements apply to this district:

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

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

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

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

- (A) The owners of all lots in the blockface of the area of request.
- (B) The owners of all lots in the blockface across the street from the area of request.
- (C) If the area of request is a corner lot, the owners of all other corner lots at the same intersection.
- (D) The president of the Swiss Avenue Historic District Association at an address provided by the association. (Ord. Nos. 18563; 25423)

SEC. 51P-63.112.

PROCEDURAL CHANGES WHEN NOTICE IS REQUIRED.

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

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

(2) if all requirements of the Dallas Development Code and the construction codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work. (Ord. Nos. 18563; 25423)

SEC. 51P-63.113.

CREATION OF AREAS.

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

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

SEC. 51P-63.114.

USE REGULATIONS FOR AREA A.

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

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

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

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

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

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

SEC. 51P-63.115.

DEVELOPMENT STANDARDS FOR AREA A.

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

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

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

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

(1) Each lot must have a minimum area of 10,000 square feet and a minimum depth of 230 feet.

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

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

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

(e) Minimum front yard.

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

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

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

(g) Minimum side yards.

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

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

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

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

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

(1) Building placement, form, and treatment.

(A) Accessory buildings. Accessory buildings:

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

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

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

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

(D) Awnings.

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

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

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

(cc) are totally screened.

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

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

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

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

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

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

(H) Color.

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

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

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

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

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

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

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

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

(I) Columns.

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

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

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

(iv) Width dimensions.

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

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

(J) Facade materials.

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

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

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

(K) Front entrances and porches.

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

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

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

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

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

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

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

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

(N) Roof forms.

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

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

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

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

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

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

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

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

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

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

(P) Windows and doors.

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

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

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

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

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

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

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

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

(vi) Style.

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

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

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

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

(2) Landscaping.

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

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

(B) Fences.

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

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

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

(ii) Form.

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

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

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

(iv) Location.

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

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

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

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

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

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

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

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

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

(vi) Masonry fences.

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

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

(vii) Metal fences.

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

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

(viii) Wooden fences.

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

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

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

(E) Planter boxes. Planter boxes must be:

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

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

(G) Sidewalks, driveways, and curbing.

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

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

(ii) Width, style, and spacing.

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

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

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

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

SEC. 51P-63.117. USE REGULATIONS FOR AREA B.

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

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

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

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

SEC. 51P-63.118. DEVELOPMENT STANDARDS FOR AREA B.

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

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

(1) 30 feet for a main building; and

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

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

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

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

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

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

(e) Minimum front yard.

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

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

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

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

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

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

(1) 35 feet for a main building; and

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

(g) Minimum side yard.

(1) All buildings and structures must have:

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

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

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

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

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

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

SEC. 51P-63.119.

PRESERVATION CRITERIA FOR AREA B.

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

(b) Building placement, form, and treatment.

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

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

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

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

(c) Landscaping.

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

SEC. 51P-63.120.

USE REGULATIONS FOR AREA C.

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

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

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

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

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

SEC. 51P-63.121.

DEVELOPMENT STANDARDS FOR AREA C.

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

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

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

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

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

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

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

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

(e) Minimum front yard.

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

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

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

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

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

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

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

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

(g) Minimum side yards.

- (1) All buildings and structures must have:

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

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

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

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

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

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

SEC. 51P-63.122.

PRESERVATION CRITERIA FOR AREA C.

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

SEC. 51P-63.123.

USE REGULATIONS FOR AREA D.

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

SEC. 51P-63.124.

DEVELOPMENT STANDARDS FOR AREA D.

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

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

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

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

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

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

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

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

(e) Minimum front yard.

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

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

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

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

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

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

(1) 60 feet for a main building; and

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

(g) Minimum side yards.

(1) All buildings and structures must have:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (b) Height requirements. Maximum permitted heights for buildings and structures are:
- (1) 36 feet for a main building; and
 - (2) 24 feet for an accessory building or structure.
- (c) Lot size requirements. Lots must conform to the following standards:
- (1) Each lot must have a minimum area of 7,500 square feet and a minimum depth of 130 feet.
 - (2) Each lot must have a width no less than 90 percent of the average width of all lots in both the same and the opposite blockface.
 - (3) Lots platted on or before February 3, 1982, are legal building sites, even though they may not conform to the requirements of this section.
- (d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 25 percent.
- (e) Minimum front yard.
- (1) All buildings and structures must have a minimum front yard setback of 65 feet.
 - (2) The main building on an interior lot must have a front yard setback that is:
 - (A) equal to that of the closest main building on either side of the lot in the same blockface; or
 - (B) between those of the closest main buildings on either side of the lot in the same blockface.
 - (3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.
- (f) Minimum rear yard. Minimum permitted rear yard setbacks for buildings and structures are:
- (1) 120 feet for a main building; and
 - (2) five feet for an accessory building or structure.
- (g) Minimum side yards.
- (1) All buildings and structures must have:
 - (A) on interior lots, a minimum side yard the greater of 10 feet or 80 percent of the average interior side yard in the blockface; and
 - (B) on corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.

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

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

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

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

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

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

SEC. 51P-63.132. BUILDING OFFICIAL.

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

SEC. 51P-63.133. STREETS AND PAVING.

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

SEC. 51P-63.134. COMPLIANCE WITH CONDITIONS.

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

SEC. 51P-63.135. ZONING MAP.

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

3-8-95

ORDINANCE NO. 22352

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by establishing Historic Overlay District No. 72 (Peak Suburban Addition) comprised of the following described property ("the Property"), to wit:

BEING an area generally bounded by Haskell Avenue, Gaston Avenue, Peak Street, Sycamore Street, Fitzhugh Avenue, and Worth Street, and containing approximately 125 acres of land,

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

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

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

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

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

SECTION 1. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic

Overlay District No. 72 comprised of the following described property ("the Property"),

to wit:

Being a tract of land in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, being all of City Block 3/791, part of City Block 6/774, all of City Blocks 8/768, 1/769, and 2/769, part of City Blocks 9/739, 9/738, 736 and 2/735, all of City Blocks 737 and 1/737, part of City Blocks 2/735, 12/734, 11/733, and 10/732, all of City Blocks A/770, B/770, C/770, D/770, 770, 771, 1/771, 772, 773, and 794, part of City Blocks A/795 and B/795, and all of City Blocks 793 and 4/792, and further described as follows:

BEGINNING at the intersection of the centerline of Haskell Avenue and the centerline of Worth Street;

THENCE in a northwesterly direction along the centerline of Haskell Avenue, crossing Junius Street, a distance of approximately 650 feet to a point for corner on a line, said line being approximately 172 feet northwest of and parallel to the northwest line of Junius Street;

THENCE in a northeasterly direction along said line, a distance of approximately 607 feet to a point for corner on a line, said line being approximately 90 feet southwest of and parallel to the southwest line of Peak Street;

THENCE in a southeasterly direction along said line, a distance of approximately 50 feet to a point for corner on a line, said line being 122.83 feet northwest of and parallel to the northwest line of Junius Street;

THENCE in a northeasterly direction along said line, a distance of approximately 122 feet to a point for corner on the centerline of Peak Street;

THENCE in a northwesterly direction along the centerline of Peak Street, a distance of approximately 1,086.5 feet to a point for corner on a line, said line being approximately 175 feet northwest of and parallel to the northwest line of Swiss Avenue;

THENCE in a northeasterly direction along said line, a distance of approximately 311 feet to a point for corner on the northeast line of Lot 2-C in City Block 9/739;

THENCE in a northwesterly direction along said lot line and its northwestward prolongation, a distance of approximately 150 feet to a point for corner on the centerline of Sycamore Street;

THENCE in a southwesterly direction along the centerline of Sycamore Street, a distance of approximately 30 feet to a point for corner on a line, said line being the southeastward prolongation of the common line between Lots 21 and 22 in City Block 9/738;

THENCE in a northwesterly direction along said line and continuing along the common line between said Lots 21 and 22 and its northwestward prolongation, a distance of approximately 182.5 feet to a point for corner on the centerline of a 15 foot wide public alley;

THENCE in a northeasterly direction along the centerline of said alley and its northeastward prolongation, crossing Carroll Avenue, and continuing along a line that is approximately 160 feet northwest of and parallel to the northwest line of Sycamore Street, crossing Annex Avenue, Grigsby Avenue, and North Prairie Avenue, in all a distance of approximately 2,236.8 feet to a point for corner on the centerline of Fitzhugh Avenue;

THENCE in a southeasterly direction along the centerline of Fitzhugh Avenue, crossing Sycamore Street, Swiss Avenue, Gaston Avenue, Junius Street, and Worth Street, a distance of approximately 2,126.3 feet to a point for corner on the centerline of a 12.5 foot wide public alley;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, crossing Prairie Avenue, and continuing along the centerline of a 20 foot wide public alley in City Block B/795, a distance of approximately 959 feet to a point for corner on a line, said line being the southeastward prolongation of the common line between Lots 5 and 6 in City Block B/795;

THENCE in a northwesterly direction along said line, and continuing along the common line between said Lots 5 and 6 and its northwestward prolongation, a distance of approximately 185 feet to a point for corner on the centerline of Worth Street;

THENCE in a southwesterly direction along the centerline of Worth Street, a distance of approximately 825 feet to a point for corner on the centerline of Carroll Avenue;

THENCE in a southeasterly direction along the centerline of Carroll Avenue, a distance of approximately 91 feet to a point for corner on the centerline of Worth Street;

THENCE in a southwesterly direction along the centerline of Worth Street, a distance of approximately 1,448.55 feet to a point on the centerline of Haskell Avenue, the PLACE OF BEGINNING, and containing approximately 125 acres of land.

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

regulations contained in this ordinance control over the regulations of the underlying zoning district.

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

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

SECTION 5. That the director of planning and development shall correct Zoning District Map Nos. I-8 and J-8 in the offices of the city secretary, the building official, and the department of planning and development to reflect the changes in zoning made by this ordinance.

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

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

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

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

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By 
Assistant City Attorney

Passed _____

Zoning File No. Z945-149/9779-E

EXHIBIT A
PRESERVATION CRITERIA
PEAK SUBURBAN ADDITION

Except as otherwise provided in these Preservation Criteria, all public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work and new construction in this district shall conform to the following guidelines and a certificate of appropriateness must be obtained for such work prior to its commencement.

Except as otherwise provided in these Preservation Criteria, any such alterations to the property must conform to the regulations contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended. In the event of a conflict, these Preservation Criteria control.

Unless otherwise specified, preservation and restoration materials and methods used shall conform to those defined in the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

1. DEFINITIONS

Unless provided below or the context clearly indicates otherwise, the definitions contained in Sections 51A-2.102 and 51A-7.102 of the Dallas City Code, as amended, apply.

- 1.1 ADDITION means an enclosed floor area added to a main structure.
- 1.2 CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city in accordance with Section 51A-4.501 of the Dallas City Code, as amended, to authorize the alteration of the physical character of real property in the district or any portion of the exterior of a structure in the district, or the placement, construction, maintenance, expansion, or removal of any structure in or from the district.
- 1.3 COLUMN means the entire column including the base and capital, if any.
- 1.4 COMMISSION means the Landmark Commission of the City of Dallas.
- 1.5 CORNERSIDE FACADE means a building facade facing a side street.
- 1.6 CORNERSIDE YARD means a side yard that abuts a street.

- 1.7 **DIRECTOR** means the director of the Department of Planning and Development or that person's representative.
- 1.8 **DISTRICT** means the Peak Suburban Addition Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 1.9 **ERECT** means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.
- 1.10 **GASTON COMMERCIAL TRACT** means two tracts located on Gaston Avenue, as described in Addendum A where commercial or residential structures may be located.
- 1.11 **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.12 **INTERIOR SIDE YARD** means a side yard that is not a cornerside yard.
- 1.13 **MAIN BUILDING** means a building on a lot intended for occupancy by the main use.
- 1.14 **PRESERVATION CRITERIA** means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.15 **PROTECTED FACADE** means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.16 **REAL ESTATE SIGN** means a sign that advertises the sale or lease of an interest in real property.

2. SITE AND SITE ELEMENTS

- 2.1 New construction is prohibited in all front yards within the district, except for parking in the Gaston Commercial Tract.
- 2.2 The existing original and historic structures must be retained and protected.
- 2.3 New sidewalks, walkways, steps, and driveways must be of brush finish concrete, brick, stone, or other material deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt or artificially-colored monolithic concrete paving is permitted.
- 2.4 No new circular drives or new parking is allowed in front yards. Parking is allowed in front of structures in the Gaston Commercial Tract.

- 2.5 Exterior lighting must be appropriate to and enhance the structure.
- 2.6 Landscaping must be appropriate and compatible, must enhance the structure and surroundings, and must not obscure significant views of or from the main building. It is recommended that landscaping modifications reflect the original historic landscaping design when appropriate.
- 2.7 Any new mechanical equipment must be erected in side or rear yards and must be screened from the street.
- 2.8 Existing mature trees in the front yard must be maintained. Unhealthy or damaged trees may be removed if deemed appropriate.
- 2.9 Fences in the rear yard and rear 50% of the side yard may not exceed 9 feet in height. (See Addendum B) *See design*
- 2.10 Historically appropriate fences are permitted in the front yard and must be constructed of one or more of the following materials: wood, stone, brick, wrought iron, a combination of those materials, or other materials deemed appropriate. These fences may not exceed 3'6" in height and must be 50% open (See Addendum B).
- 2.11 Interior side yard fences must be located in the rear 50% of the side facade. Interior side yard fences must be located behind the open front porch of an adjacent house. The fence at the side property line may be a solid fence. The portion of the fence facing the main street must be at least 70% open. Chain link fences do not qualify as a "70% open fence". (See Addendum B.)
- a. The commission may, if it determines more screening is necessary to ensure privacy, allow interior side yard fences to be located up to a point 5 feet back from the corner of the house measured from the back wall of the front porch, provided that these fences may not exceed 8 feet in height. (See Addendum B.)
- 2.12 Solid fences in cornerside yards must not be located directly in front of the cornerside facade except that the commission may allow a solid fence directly in front of any portion of the rear 50% of the cornerside facade if:
- a. more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and
- b. the fence does not screen any portion of a significant architectural feature of a main structure.

Fences in cornerside yards that are at least 70% open, up to maximum height of 8 feet, may be located in the front 50% of the cornerside facade if deemed appropriate. Chain link fences do not qualify as a "70% open fence". These fences must be constructed of materials with dimensions no greater than two inches in width and depth, except for structural supports (See Addendum B).

- 2.13 Fences in side, rear or cornerside yards must be constructed of one or more of the following materials: wood, brick, stone, wrought iron, chain link (as noted below), a combination of these materials, or other materials deemed appropriate. Fence locations are illustrated in Addendum B.

Chain link fences are not allowed in the front yard or front 50% of the side yard, or the front 50% of the cornerside yard.

The fences that are required to be 70% open should be of wrought iron, wood that resembles wrought iron, or historic wire fences. Chain link fences do not qualify as a "70% open fence". Recommended fence designs are shown in Addendum B.

- 2.14 Tops of fences must be horizontal, stepped or parallel to grade as illustrated in Addendum B.
- 2.15 The finished side of a fence must face out if seen from any street as illustrated in Addendum B.

3. STRUCTURE

Facades

- 3.1 The front and side facades are protected facades.
- 3.2 Reconstruction, renovation or repair of the opaque elements of the protected facades must employ materials similar to the original materials in texture, color, pattern, grain and module size as much as practical.
- 3.3 The existing solid-to-void ratios of non-protected facades must be maintained as much as practical. All additions and alterations must be architecturally sensitive and appropriate to the overall design of the existing structure.
- 3.4 Brick must match in color, texture, module size, bond pattern and mortar color. Brick surfaces not previously painted may not be painted unless the applicant establishes that:
- a. the color and texture of replacement brick cannot be matched with that of the existing brick surface;

- b. the brick is not original or compatible with the style and period of the main building and the district; or
 - c. the brick has been damaged or painting is the only method by which the brick can be salvaged.
- 3.5 Stone, cast stone, and concrete elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.
- 3.6 Wood siding, trim, and detailing must be carefully restored wherever practical. Historic materials should be repaired; they may be replaced only when necessary. Badly deteriorated paint should be removed in accordance with the Department of Interior standards prior to refinishing. All exposed wood must be painted, stained, or otherwise protected. No resurfacing with vinyl or aluminum siding or stucco is permitted on main structures. Imitation materials are allowed on accessory structures only if they are in keeping with the style and materials on the main structure.
- 3.7 Color: All colors must comply with the Acceptable Color Range Standards contained in Addendum C, except that the Landmark Commission may approve other colors not specifically prohibited if it determines the proposed color is appropriate. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district. (See Addendum C).
- Dominant and trim colors: All structures must have a dominant color and no more than three trim colors, including any accent colors. Proper location of dominant, trim and accent colors is shown in Addendum D. The colors of a structure must be complementary to each other and the overall character of this district. Complimenting color schemes are encouraged through the blockface. Columns should be painted white or a light color.
- 3.8 Exposing and restoring original historic finish materials is encouraged.
- 3.9 Exterior cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.

Fenestration and Openings

- 3.10 Original doors and windows and their openings must remain intact and be preserved. Where replacement of an original door or window is necessary due to damage or structural deterioration, replacement doors and windows must express mullion size, light configuration, and material to match the original doors and windows. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.

Exterior storm windows and doors are permitted if they are sensitive additions and match the existing windows and doors in frame width and proportion, glazing material, and color. Painted or factory finished aluminum storm doors, storm windows or screens are permitted. Mill finished aluminum is not permitted.

- 3.11 New door and window openings on the front and comerside facade are permitted only in locations where there is evidence that original openings have been filled with other material.
- 3.12 Decorative ironwork or burglar bars are permitted on rear facades. Interior mounted burglar bars are permitted on protected facades.
- 3.13 Glass and glazing must match original materials as much as practical. Dark tinted, reflective glazing or reflective film is not permitted.
- 3.14 Materials placed on or behind window glazing must be appropriate to the district.
- 3.15 The Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- 3.16 The slope, massing, configuration and materials of the roof must be preserved and maintained. Original gables, dormers, porches, and roofs must be preserved. Existing parapets, cornices and coping eaves, roof trim and dormers must be retained and when repaired, should be done so with material matching in size, finish, module and color.
- 3.17 The following roofing materials are allowed: wood shingles, composition shingles, slate, clay, concrete, terra-cotta tiles, and other materials deemed appropriate.
- 3.18 Solar panels, skylights, and mechanical equipment must be set back or screened so as not to be visible from ground level on the opposite side of any adjacent right-of-way.

Porches and balconies

- 3.19 Existing original porches and balconies on protected facades must be retained and preserved. Porches may not be enclosed on protected facades.
- 3.20 All original columns, railings, and other trim and detailing that are part of the porch or balcony configuration must be preserved.

- 3.21 It is encouraged that existing enclosed porches on protected facades be restored to their original appearance.
- 3.22 Front porch floor finishes must be concrete, wood or other materials deemed appropriate. Porch floors may not be covered with carpet. Wood floors must be painted or stained. Concrete, brick or stone floors may not be painted. A clear sealant is acceptable.

4. NEW CONSTRUCTION AND ADDITIONS

- 4.1 The form, materials, general exterior appearance, color and details of any new construction of an accessory building or vertical extension to an existing structure must be compatible with the existing historic structure.
- 4.2 New construction, additions to historic structures, accessory buildings, porches, and balconies must be of appropriate massing, roof form, shape, materials, detailing and color, and must have fenestration patterns and solids-to-voids ratios that are typical of the historic structure.
- 4.3 The height of new construction, accessory buildings, or vertical or horizontal additions to existing non-protected structures or facades may not exceed the height of similar historic structures in this district.
- 4.4 Vinyl, aluminum, and other imitation materials are not acceptable cladding materials for the construction of a new main structure or addition to an existing historic structure.
- 4.5 Chimneys visible from the public right-of-way must be clad in brick or stucco. Imitation brick will be reviewed through the certificate of appropriateness process.
- 4.6 Width requirements: The width of a front facade of a new single family residence must not:
- a. exceed 42 feet; or
 - b. be more than 20 percent greater than the average width of single family dwellings on the blockface.
- 4.7 New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structures as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new and existing construction must be established and maintained.

Historic details at parapets and coping must be preserved and maintained where abutting new construction.

4.8 Front yard setback:

- a. A main building on an interior lot must have a front yard setback that is equal to the average setback of other structures in the blockface.
- b. A main building on a corner lot must have a front yard setback that is within one foot of that of the closest main building in the same blockface.

4.9 Front, rear, side, and cornerside yards are illustrated in attached Addendum E.

5. GASTON COMMERCIAL TRACT

5.1 In addition to residential structures, early 20th century commercial styles are allowed as illustrated in Addendum F and as described in this section. If there is a conflict, these regulations control over the architectural guidelines contained in Planned Development District No. 362, as amended (commonly called the Gaston PD).

5.2 Stories: All structures must have one or two stories, not to exceed 30 feet.

5.3 All structures must be constructed of brick or stucco with wood trim.

5.4 Windows: All windows must be wood or resemble wood in appearance.

- a. First-floor store fronts must be divided into two, three, or four bays as illustrated in Addendum F. At least 60% of the area of the first floor store front must consist of either window or door area. Transom windows must be above all first floor windows and doors.
- b. Second-floor store front windows must have a double or single hung sash. At least 35% of the area of the second-floor store front must consist of window area.
- c. Mirrored, opaque, and translucent glasses are not permitted in any door or window opening.

5.5 Panels: Panels less than three feet in height must be placed below all first floor windows. Panels must be made of wood, brick, tile or other material deemed appropriate.

5.6 Doors: Each front door must be composed of wood or other material deemed appropriate and have at least one large full-view window.

- 5.7 **Roofs**: All roofs must be flat or hidden by parapets. Tile visor roofs are encouraged.
- 5.8 **Story setbacks**: No story may be setback from another story. (The wall facing the street must be vertical.)
- 5.9 **Equipment screening**: All rooftop mechanical equipment seen from the street must be screened with a parapet.
- 5.10 **Parking**: Single row parking does not need to be screened, double row parking must be screened by landscaping. Parking will be allowed in front of structures.
- 5.11 Brick and/or tile accents in the pavement in front of entrances are encouraged.
- 5.12 There are no minimum side yard setbacks required except that properties with cornerside yards must have a minimum 5 foot setback. Front yard setbacks must comply with the average setback of existing historic buildings on the street. There are no minimum lot sizes or coverage in this tract.

6. ACCESSORY BUILDINGS

- 6.1 Accessory buildings are permitted only in the rear yard.
- 6.2 Accessory buildings must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building.
- 6.3 Accessory buildings must be at least 8 feet from the main building.
- 6.4 Accessory buildings may not exceed 1,200 square feet in floor area, unless documentation shows that an original building exceeding this size was previously on the building site.
- 6.5 Accessory buildings may have garage doors located at the established rear yard setback from the alley if electric garage door openers are installed.
- 6.6 The minimum rear yard setback for accessory structures is 2'6", with a 1'6" roof overhang encroachment permitted.
- 6.7 The minimum side yard setback for accessory structures is 3 feet, with a 1'6" roof overhang encroachment permitted.
- 6.8 Accessory structures may be rebuilt in the location of a former structure if the location of the former structure is properly documented.

7. SIGNS

- 7.1** Temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) and real estate signs are permitted without a certificate of appropriateness.
- 7.2** Street signs, protective signs, movement control signs, and historical markers are permitted. A certificate of appropriateness is required to erect one of these signs to ensure that the sign is sensitive and compatible with the appearance of the structure.
- 7.3** All signs must conform with all applicable provisions of the Dallas City Code, as amended, and be compatible with the architectural qualities of the historic structure.

8. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- 8.1** The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district except that a certificate of appropriateness is not required to erect temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) or real estate signs.

ADDENDUM A

Gaston Commercial Tract

Property Description

TRACT I

BEGINNING at the intersection of the centerline of Gaston Avenue and Carroll Avenue;

THENCE in a southeasterly direction along the centerline of Carroll Avenue, a distance of approximately 170 feet to a point for corner on a line, said line being approximately 130 feet southeast of and parallel to the southeast line of Gaston Avenue;

THENCE in a southwesterly direction along said line, a distance of approximately 90 feet to a point for corner on a line, said line being approximately 90 feet southwest of and parallel to the southwest line of Carroll Avenue;

THENCE in a southeasterly direction along said line, a distance of approximately 40 feet to a point for corner on a line, said line being approximately 170 feet southeast of and parallel to the southeast line of Gaston Avenue;

THENCE in a southwesterly direction along said line, a distance of approximately 60 feet to a point for corner on a line, said line being approximately 150 feet southwest of and parallel to the southwest line of Carroll Avenue;

THENCE in a southeasterly direction along said line, a distance of approximately 15 feet to a point for corner on a line, said line being approximately 185 feet southeast of and parallel to the southeast line of Gaston Avenue;

THENCE in a southwesterly direction along said line, a distance of approximately 65 feet to a point for corner on a line, said line being 215 feet southwest of and parallel to the southwest line of Carroll Avenue;

THENCE in a northwesterly direction along said line, a distance of approximately 225 feet to a point for corner on the centerline of Gaston Avenue;

THENCE in a southwesterly direction along the centerline of Gaston Avenue, a distance of approximately 243 feet to a point for corner on a line, said line being approximately 196 feet northeast of and parallel to the northeast line of Peak Street;

THENCE in a northwesterly direction along said line, a distance of approximately 292.5 feet to a point for corner on a line, said line being approximately 252.5 feet northwest of and parallel to the northwest line of Gaston Avenue;

THENCE in a northeasterly direction along said line, crossing Carroll Avenue, and continuing along the northwestern boundary line of Lot 1 in City Block 1/769, a distance of approximately 678.8 feet to a point for corner on the northeastern boundary line of said Lot 1;

THENCE in a southeasterly direction along said lot line and its southeastward prolongation, a distance of approximately 289.5 feet to a point for corner on the centerline of Gaston Avenue;

THENCE in a southwesterly direction along the centerline of Gaston Avenue, a distance of approximately 185.8 feet to its intersection with the centerline of Carroll Avenue, the PLACE OF BEGINNING.

TRACT II

BEGINNING at the intersection of the centerline of Carroll Avenue and Gaston Avenue;

THENCE in a southeasterly direction along the centerline of Fitzhugh Avenue, a distance of approximately 229.3 feet to a point for corner on a line, said line being approximately 194.3 feet northwest of and parallel to the northwest line of Junius Street;

THENCE in a southwesterly direction along said line, a distance of approximately 441 feet to a point for corner on the common line between City Blocks 771 and 1/771;

THENCE in a northwesterly direction along said common block line, a distance of approximately 239.5 feet to a point for corner on the centerline of Gaston Avenue;

THENCE in a southwesterly direction along the centerline of Gaston Avenue, a distance of approximately 53.6 feet to a point for corner on a line, said line being approximately 115 feet northeast of and parallel to the northeast line of Grigsby Avenue;

THENCE in a northwesterly direction along said line, a distance of approximately 180 feet to a point for corner on the southeast line of a 15 foot wide public alley;

THENCE in a northeasterly direction along said alley line, a distance of 50 feet to a point for corner on the common line between City Blocks 770 and D/770;

THENCE in a northwesterly direction along said common block line, a distance of approximately 240 feet to a point for corner on the common line between City Blocks 770 and D/770;

THENCE in a northeasterly direction along said common block line, a distance of approximately 100 feet to a point for corner on a line, said line being 100 feet northeast of and parallel to the common line between City Blocks 770 and D/770;

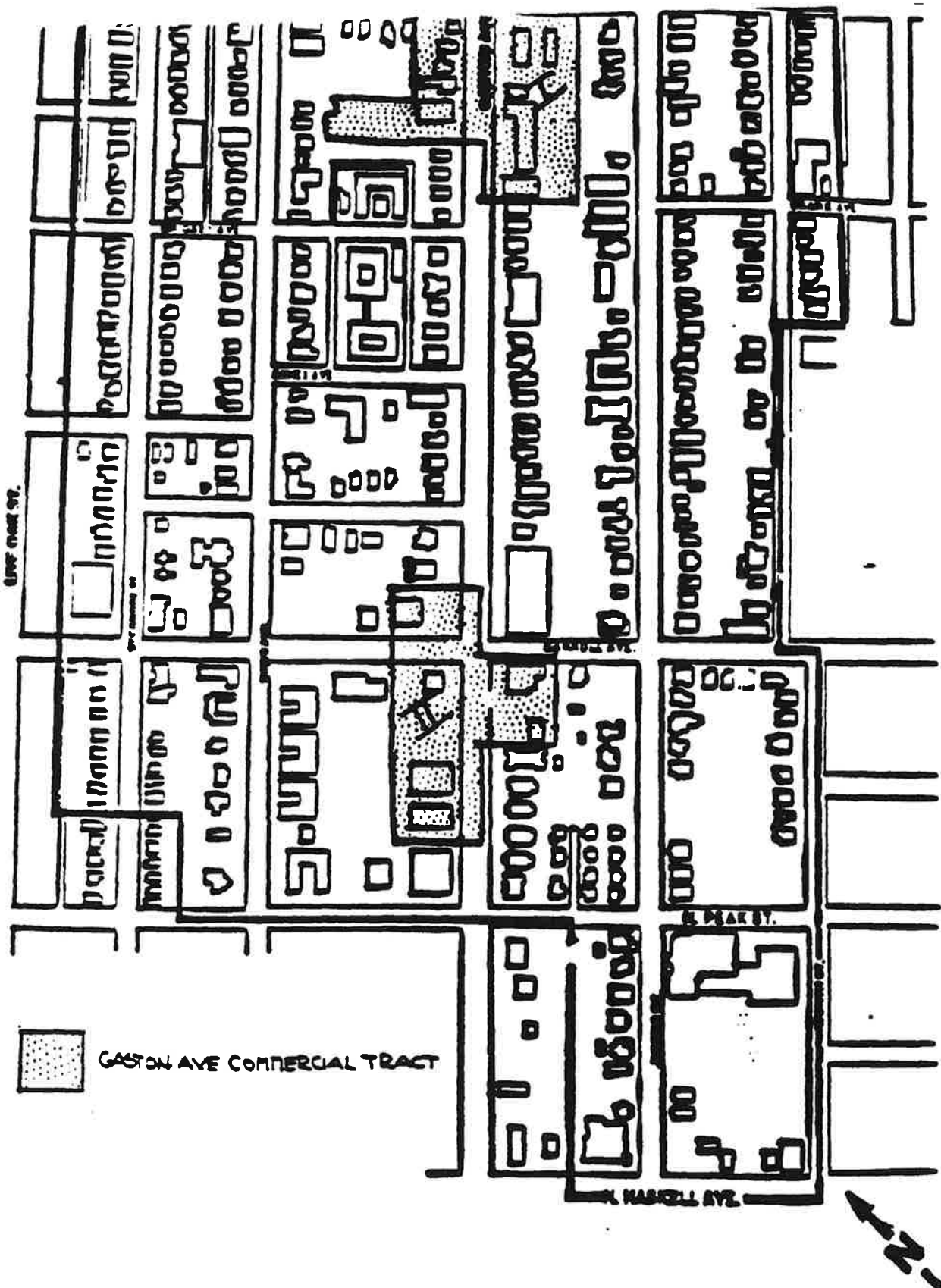
THENCE in a southeasterly direction along said line, a distance of approximately 42.5 feet to a point for corner on a line, said line being 42.5 feet southeast of and parallel to the common line between City Blocks 770 and D/770;

THENCE in a northeasterly direction along said line, a distance of approximately 96.5 feet to a point for corner on the northeast boundary line of Lot 3 in City Block 770;

THENCE in a southeasterly direction along said lot line, a distance of approximately 198 feet to a point for corner on a line, said line being 144.8 feet northwest of and parallel to the northwest line of Gaston Avenue;

THENCE in a northeasterly direction along said line, a distance of approximately 269.6 feet to a point for corner on the centerline of Fitzhugh Avenue;

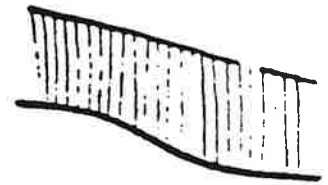
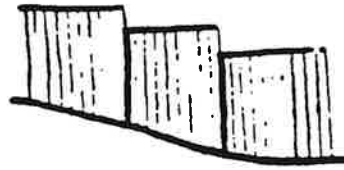
THENCE in a southeasterly direction along the centerline of Fitzhugh Avenue, a distance of approximately 185 feet to a point on the centerline of Gaston Avenue, the PLACE OF BEGINNING.



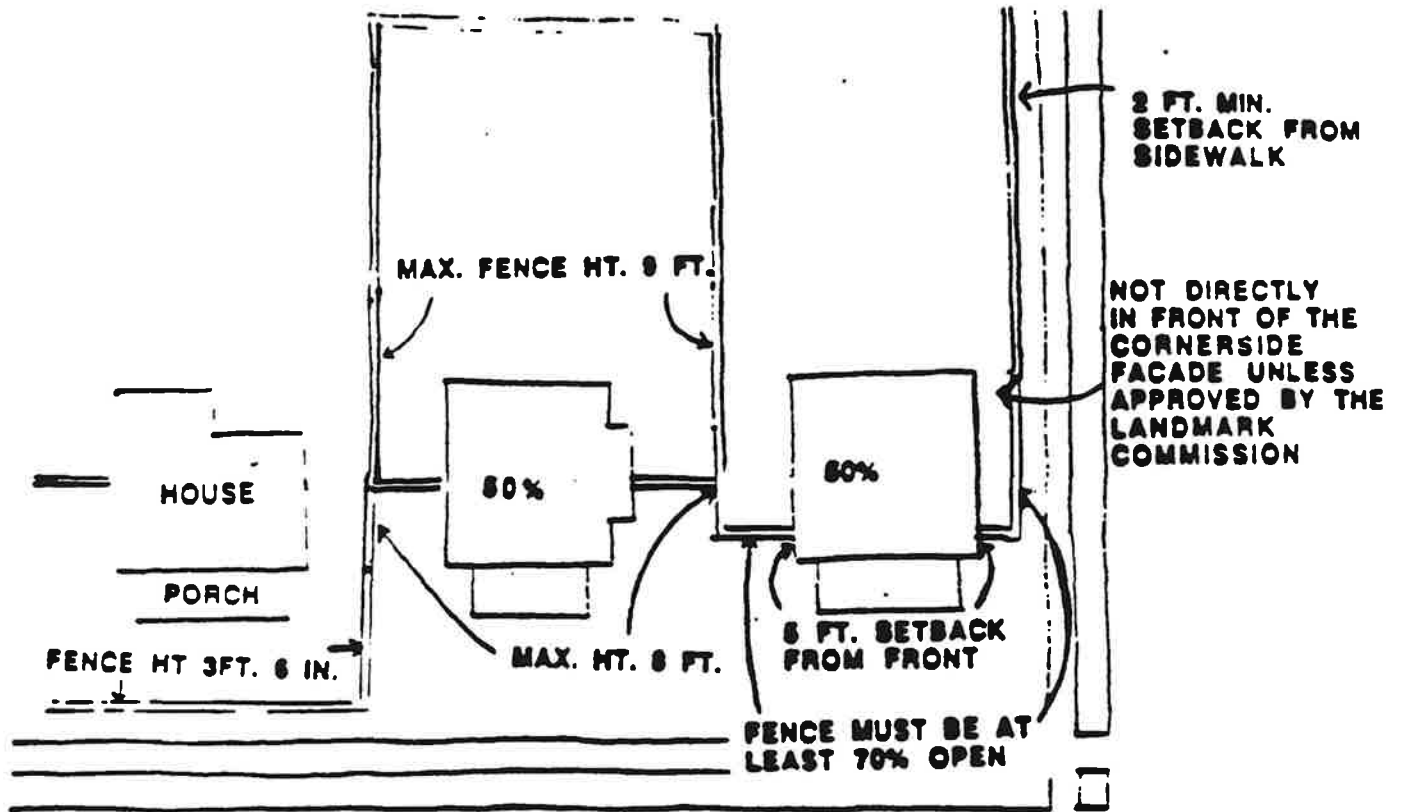
A



Horizontal



Parallel to Grade



B

FENCES

ADDENDUM C

Acceptable Color Range Standards

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

The following Munsell color ranges, or their equivalents in value (V) and Chroma (C), are permitted for primary, trim and accent colors:

Dominant: 9 through 6V/1 through 4C

Trim: 9 through 3V/1 through 6C

Accent: 9 through 3V/1 through 6C

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

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

COLOR PLACEMENT

**COLUMN COLOR : SHOULD BE PAINTED
WHITE OR A LIGHT COLOR**

TRIM COLOR: MAJOR TRIM ON HOUSE

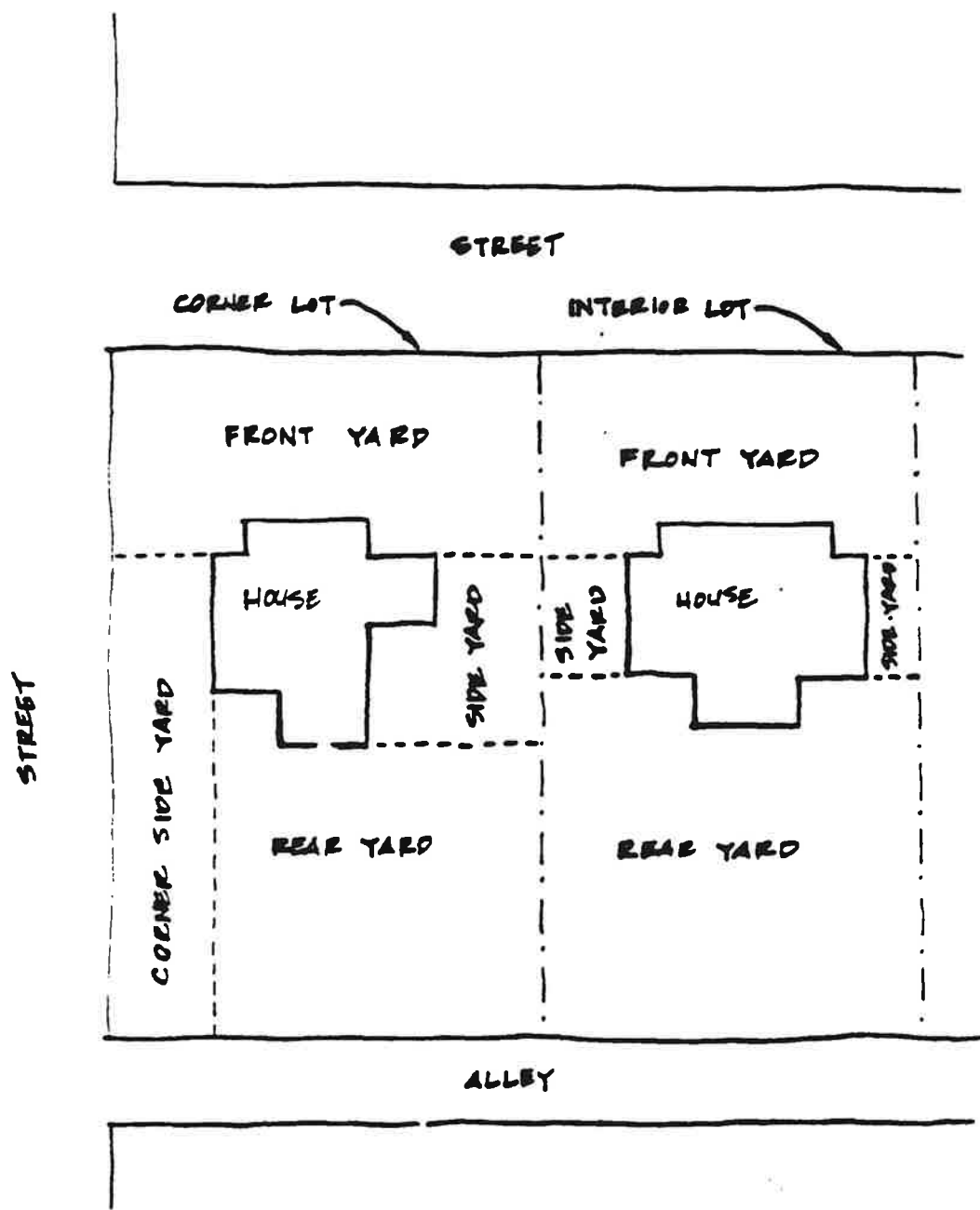
**BODY COLOR: MAIN SIDING
ON HOUSE**

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

**BODY
TRIM
ACCENT**



D



III

FLAT ROOF

BRICK OR STUCCO

STOREFRONTS
DIVIDED INTO 2, 3,
OR 4 BAYS

60% OR MORE WINDOW
AT GROUND LEVEL

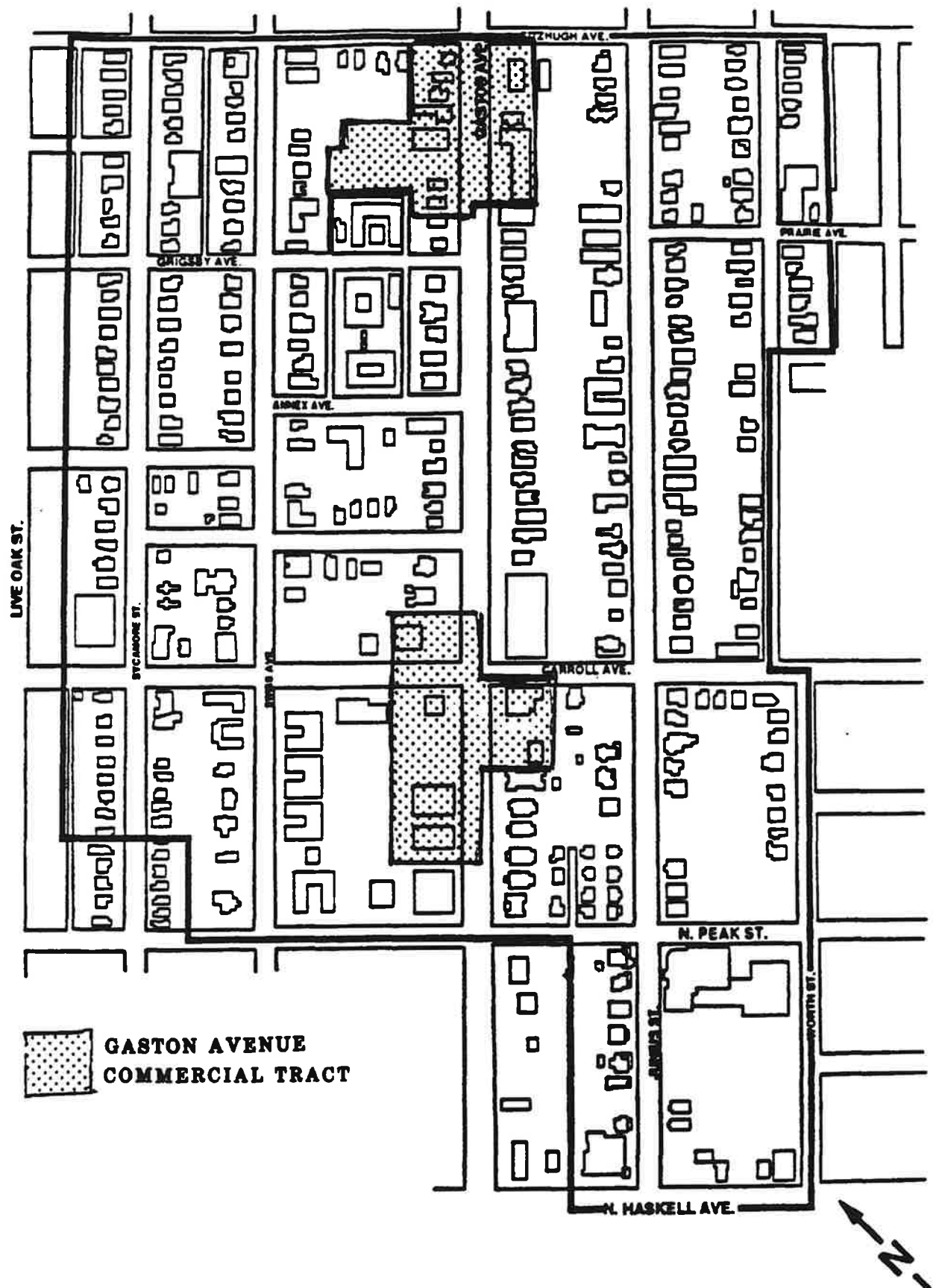
PANELS BELOW
ALL WINDOWS

TRANSOM WINDOWS
ABOVE ALL DOORS
AND WINDOWS

COMMERCIAL STRUCTURES FOR THE GASTON TRACT

F

Peak's Suburban Addition Historic District



Dallas Landmark Commission Landmark Nomination Form

1. Name

historic: Peak's Suburban Addition

and/or common: Millcreek Neighborhood

date: 4/19/93

2. Location

address:

location/neighborhood: Sycamore, Worth, Fitzhugh, Carroll, (Junius and Worth, 1 block further west to Haskell)

block:

lot:

land survey:

tract size:

3. Current Zoning

R-75, PD No. 98, PD No. 362, PD No. 298, MF2

4. Classification

Category

☒ district
☐ building(s)
☐ structure
☐ site
☐ object

Ownership

☐ public
☐ private
☒ both

Public Acquisition

☐ in progress
☐ being considered

Status

☒ occupied
☐ unoccupied
☐ work in progress
Accessibility
☐ yes: restricted
☒ yes: unrestricted
☐ no

Present Use

☐ agricultural
☒ commercial
☒ educational
☐ entertainment
☐ government
☐ industrial
☐ military

☐ museum
☐ park
☒ residence
☒ religious
☐ scientific
☐ transportation
☐ other, specify

5. Ownership

Current Owner: Various

Contact:

Phone:

Address:

City:

State:

Zip:

6. Form Preparation

Date: 4/19/93 - 1/11/95

Name & Title:

Organization: Designation Task Force

Contact: Kate Singleton

Phone: 821-7533

7. Representation on Existing Surveys

Alexander Survey (citywide) ☐ local ☐ state ☐ national

H.P.L. Survey (CBD) ☐ A ☐ B ☐ C ☐ D

Oak Cliff

Victorian Survey

☒

Dallas Historic Resources Survey, Phase IV ☒ high ☐ medium ☐ low

☒ National Register

☐ Recorded TX Historic Ldmk

☐ TX Archaeological Ldmk

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			
original owner: Various			
significant later owner(s):			
9. Construction Dates			
original: 1890-present			
alterations/additions:			
10. Architect			
original construction: Various			
alterations/additions:			
11. Site Features			
natural:			
urban design:			
12. Physical Description			
Condition, check one:			Check one:
☐ excellent	☐ deteriorated	☐ unaltered	☐ original site
☒ good	☐ ruins	☐ altered	☐ moved(date _____)
☐ fair	☐ unexposed		

Describe present and original (if known) physical appearance. Include style(s) of architecture, current condition and relationship to surrounding fabric (structures, objects, etc). elaborate on pertinent materials used and style(s) of architectural detailing, embellishments and site details.

Peak's Suburban Addition developed over a long period of time beginning with the large estates of Jefferson Peak and William Gaston built in 1855 and 1871 respectively. The topography of the area was very hilly with numerous creeks, marshes and bogs. These natural obstacles made a trip from these East Dallas estates to the Dallas Court House an arduous journey.

In order to diminish his isolation, Gaston gave land to friends and business associates promoting that additional homes be built. Large scale residential construction was delayed, however, until the marshes and bogs were filled and the land leveled. This process took place over several years.

The architectural styles of the homes eventually built span several decades, creating diversity in design and size of residences and civic buildings. The architectural styles found in the district are predominantly Queen Anne, Folk Victorian, Craftsman, Prairie, Mission, Neoclassical, Colonial Revival, and Tudor. See appendix . These drawings were taken from A Field Guide to American Houses by Virginia and Lee McAlester

The street names are primarily derived from the names of early pioneers who were instrumental in establishing this area.

Fitzhugh Avenue: named for L.H. Fitzhugh, early settler and land owner ¹.

Grigsby Avenue: named for John Grigsby, early land developer ¹. Major land owner who received a 4,605 acre land tract from Sam Houston.

Annex Avenue: boundary of the Old Fairfield Annex to East Dallas ¹. Annex Avenue from Swiss to Gaston originally was named Elmira.

Carroll Avenue: named for Carroll Peak, son of Jefferson Peak ⁴.

Peak Street was originally named Martha Street for Martha Peak, wife of Jefferson Peak. Upon his death Mrs. Peak changed the name to Peak in honor of her husband. Jefferson Peak was a major land owner ¹. Jefferson moved to Dallas in 1854 when Dallas population was under 200 people. ³ He constructed the first brick residence which was located at the corner of Peak and Worth Streets. Peak died in 1885 ⁴. He bequeathed one half block of land to the Dallas First Christian Church with the provision that instrumental music not be used for services or the land reverts back to his heirs.

Haskel Avenue was named for Horatio Nelson Haskel Alderman of East Dallas in 1883 ¹.

Sycamore Street originally named Matt Street for Mathias Peak, son of Jefferson Peak ⁴.

Swiss Avenue named for Swiss Colony immigrants, who settled along this street in 1870.

Gaston Avenue was named for Captain William Gaston. Early day Banker and land developer ¹. Gaston founded Dallas First Bank and purchased large tracts of land in East and South Dallas including 400 acres along Swiss Avenue. He donated the land for the State Fair and promoted its growth. He maneuvered the railroads to locate in the City of East Dallas in 1872-73 away from the City of Dallas which promoted development on his land holdings. Gaston Avenue was originally named Wallace Street, for Wallace Peak, son of Jefferson Peak ⁴.

Junius Street named for Junius Peak, landowner and Texas Ranger.¹ Junius was born in 1846.³ son of Jefferson Peak.⁴ Early Dallas Police Chief 1874-78.³ June Peak's home still stand at 4409 Worth Street. His daughter Florence Peak lived in this house on Worth Street until about 1980.

Worth Street is named for Worth Peak, 8th of eleven children of Jefferson and Martha Peak.

Victor Street named for George Victor Peak,¹ son of Jefferson Peak.⁴

Reiger Street named for John F. Reiger, Reiger addition 1890.¹

13. Historical Significance

Statement of historical and cultural significance. Include: cultural influences, special events and important personages, influences on neighborhood, on the city, etc.

Peak's Suburban Addition also known as Mill Creek is the earliest developed portion of East Dallas. It was the first neighborhood east of Dallas' central business district to be developed, "starting with Victorian houses and followed by frame two story Prairie homes, brick mansions and finally frame cottages and bungalows" (Older Neighborhoods, 1986:32). In addition to the single family residences, there are many historic apartment complexes as well as commercial and institutional buildings throughout the district, especially along the old streetcar routes. The major forces that shaped the development of East Dallas were the arrival of the railroads, the establishment of the Texas State Fair, and the network of street railways that determined the routes of growth.

The early settlement East Dallas from 1855 until the City of East Dallas' incorporation in 1882 was agricultural in nature. The first recorded settlement occurred in 1855 when Captain Jefferson Peak purchased a large tract of land far to the northeast of Dallas and built a farmhouse near the corner of Worth and Peak streets. Peak had passed through Texas in 1846 to fight in the Mexican War and in 1855 he returned with his family to settle east of the emerging town of Dallas (Butterfield 1875: Peak). An 1880's map of East Dallas shows that Peak owned roughly half the land bounded by Ross Avenue to the north, Main Street to the south, and Haskell and Carroll Street to the west; constituting more than a quarter of the historic district.

After the Civil War, Peak was joined by Confederate Captain William H. Gaston who purchased 400 acres along White Rock Road (now Swiss Avenue) where he built an enormous Greek Revival home in 1871 (razed) (Mabry, 1984:4). Gaston was a powerful force in Dallas' early development. Within a few years of his arrival in 1867, he purchased vast tracts of land in South and East Dallas, founded Dallas' first bank, donated land for the County Fair (present site of Baylor Hospital), and eventually parlayed the small exposition into the State Fair (Mabry, 1984:10 Gaston n.d.:1). Most importantly, Gaston, with backing from local businessmen, brought the railroads to Dallas in 1872 and 1873, which ultimately made the city's fortune. His impact in East Dallas was achieved by maneuvering both the Houston and Texas Central (H&TC) and the Texas and Pacific (T&P) railroads to a junction approximately one and a half miles to the east of the Courthouse. In doing so, Gaston helped orchestrate Dallas' growth away from the Trinity River towards the railroad station on his lands in East Dallas. The resulting housing shortage encouraged Jefferson Peak and other landowners to begin subdividing their lands.

Although the railroads promised to spur building activity in East Dallas, the area remained sparsely settled due to an economic downturn in 1875 that stalled development for some time (Powers 1969:19). The area was heavily wooded, especially along Mill Creek as it flowed through Exall Park along Hall Street, just east of the historic district, toward the Cedars in South Dallas (McDonald 1978: 137). There was little building or street construction in the project area east of Washington Street prior to the late 1870s although the Butterfield and Rundlett Official Map of Dallas shows East Dallas as a platted entity by 1875 (Mabry 1984: 16). A small commercial district sprang up around the depot and consisted of a few boarding houses, lumber yards and restaurants that survived only because of the railroad traffic (Powers 1969: 14). One mule-drawn streetcar line, operated by the Dallas Street Railroad Company, ran out Ross Avenue and up San Jacinto Street. Built by Colonel William J. Keller in 1875, the San Jacinto line, as it was known, was the only line to serve the area until 1882. Its primary purpose was to bring passengers from the depot to the downtown Dallas business district (Powers 1969: 19, 36).

Beyond the tiny cluster of commercial structures near the depot, the remainder of East Dallas at this time consisted of large estates, like those of Jefferson Peak and William Gaston, and a number of smaller family farms (Map, East Dallas: 1880s). The early character of the region was articulated by William Gaston when, upon completing his mansion at 3900 Swiss Avenue in 1873, he lamented being all alone out in the country and offered free land to his friends so he would have company. Gaston's nearest neighbor to his 400 acre plantation were Jefferson Peak, a mile to the east in the center of the historic District, and Swiss immigrants, Jacob Nussbaumer and Henry Boll, who lived nearly the same distance to the west (Saxon, 1983: 9). This semi-rural condition persisted until Dallas began to recover from the depression in the latter part of the 1870s.

When the economy improved, East Dallas began to experience the same wild, uncontrolled growth that was afflicting central and south Dallas (McDonald. 1978: 137). Many businesses began building east along the streetcar line that stretched from downtown Dallas to the railroad depot. The fairgrounds drew people to the area and many began investing in property nearby. By 1882, the community had grown so rapidly that its leading citizens, among them Peak, Gaston and rancher Christopher Columbus Slaughter, met and voted to incorporate as the separate municipality of East Dallas (Saxon, 1983: 10). At the time of its annexation in 1889, the land area of East Dallas was actually larger than that of Dallas. The city of Dallas acquired East Dallas, along with several unincorporated suburban parcels, on the last day of December, 1889, to make Dallas the largest city in Texas for the 1890 census (Keith, 1930: 168; Dallas Morning News, October 1, 1935). It was both the first and last time in its history that Dallas had the honor.

East Dallas' single largest landowner, Jefferson Peak, platted his first subdivision in 1874 along Ross Avenue, (Mabry 1984:3) but by the mid-1880s, Captain Peak still owned most of the land bounded by Ross Avenue, Main Street, Haskell and Carroll Streets (Map East Dallas: 1880s). It wasn't

until after Peak's death in 1885 that his son, Junius, began large-scale subdivision of the family's extensive holdings. The land around the Old Peak homestead at Worth and Peak Street was sold as Peak's Addition in 1897 and its subdivision spurred many housing starts in the area. (McDonald 1978: 120). Major East Dallas streets still bear Peak's name and those of his children: Junius, Worth, Victor, and Carroll. Although the original Peak farmhouse is gone, Junius Peak's home still stands at 4409 Worth Street.

Another highly influential force in East Dallas real estate development during the late 1880s and early 1890s was Jefferson Peak's son-in-law, Thomas Field. Through his firm, Field and Field Real Estate and Financial Agents, Thomas Field either owned, controlled, or influenced the sale of large parcels of East Dallas real estate. He "flamboyantly promoted his extensive East Dallas holdings in 1884 with the construction of a palatial residence in the middle of his property" (McDonald 1978: 137) located on Peak Avenue between Gaston and Junius streets (razed 1922). His grandiose and unfettered real estate promotion was characteristic of the boomtown that enveloped all of Dallas during the years between the arrival of the railroads and the depressions of the 1890s. Many elaborate mansions were constructed on Swiss and Gaston Avenue during the 1890s in addition to smaller but substantial homes on Live Oak, Junius, and Worth Streets (Saxon 1983: 16). Most of the largest homes were demolished and their lots sold for redevelopment between 1920 and 1950 (Sanborn maps 1905, 1922; City of Dallas directories).

The proliferation of street car lines between 1887 and 1893 was probably the single most important factor contributing to the success of East Dallas during that period. Some of those living in East Dallas rented hansom cabs to commute to the city or the union depot (Eidt. conversation 1990). Others undoubtedly used their own horsedrawn buggies, as evidenced by the number of personal stables situated at the rear of the grand residences along Swiss and Gaston Avenue (Sanborn maps. 1905: Gooden 1986: 46). However, those who did own horses and buggies began to prefer the thrift and convenience of the streetcar. A ride downtown at this time cost five cents or less, cheaper than the cost to board a horse and carriage (Nichols conversation March 30, 1990). As Dallas grew further and further away from the central business district, it was imperative that reliable transportation be available for workers. Many neighborhoods existed only due to streetcar access and developers took advantage of that fact.

Streetcar service was initiated about 1888. The Bryan line, as it was known, became the major crosstown streetcar serving the northern section of East Dallas (Powers 1969: 78; Eidt, conversation, 1990) opening up all of East Dallas to wide-scale development. Between 1886 and 1890, Dallas real estate transfers jumped from under \$6 million to \$14 million, much of it concentrated in East Dallas. The completion of the Bryan line was followed by the opening of Middleton Brother's Addition, Hunstable's College Hill Addition, Livingston Place, Peak's Addition, Caruth Heights, Nussbaumer and McCoy's Addition, and the Belmont Addition between 1888 and 1892 (McDonald 1978: 153). All were accessible to the Bryan line.

Typically, there was little planning involved in the opening of these additions beyond running a streetcar line out to a vacant field owned by the operators, subdividing the land, and selling it for a handsome profit. Lots were often sold before streets and utilities could be laid out (McDonald 1978: 153), sometimes on the mere promise that streetcar lines would be introduced.

The suburban land boom was in full swing when nearly all building came to an abrupt halt with the economic crash of 1893. While some Texas communities were unharmed by the nationwide depression, Dallas had become linked to eastern and northern markets and their leading banking institutions. When those institutions foundered, Dallas followed. The failure of the Philadelphia & Reading Railroad in February 1893 started a nationwide panic that left 158 national banks and 415 state and private banks in ruin. Five Dallas banks failed in the crash and local business and agricultural concerns suffered as a result (McDonald 1978: 70). Unchecked real estate speculation prior to the crash left Dallas overbuilt and many newly opened additions in or near the project area remained vacant for years afterward (Dallas Morning News, October 1, 1935). Many individuals who had figured prominently in the East Dallas real estate frenzy lost fortunes in the downturn. Thomas Field not only lost several major projects in progress but lost his palatial homes, as well. The effects of the depression reverberated throughout the city and had repercussions on many of the city's enterprises, including streetcar and real estate consortiums, essentially ending the early, speculative era (Powers 1969: 92). The depression did, however, allow time for some reflection and the next phase of development in East Dallas was a more cautious endeavor.

Although Dallas began to rebound from the depression about 1898, East Dallas did not fully recover for almost a decade after the crash. (Dallas Morning News, October 1, 1935). When the economy began to pick up there was a resurgence of residential building in the area. Churches and schools were constructed to accommodate the increased population. Davy Crockett Elementary School, built in 1903 by the firm of C. W. Bulger and son on Carroll Street, is the oldest extant school in the city of Dallas. Bulger and Son also designed the Classical Gaston Avenue Baptist Church, built between 1902 and 1904 at the southwest corner of Gaston and Haskell avenues (McDonald 1978:). The East Dallas Christian Church at 631 N. Peak was built shortly after 1905, replacing an earlier dwelling on that site. The imposing Neo-Classical mansion at the corner of Peak and Swiss avenue was originally built as a residence, but served the prestigious Terrill School for Boys as a dormitory through the 1920s (Sanborn maps 1905, 1922: City Directories). Dominating the 4100 block of Junius Street at North Haskell Avenue, is the Gothic Revival Grace Methodist Episcopal Church designed by W.A. Caan in 1903. The church sanctuary and its 1925 education annex are listed on the National Register of Historic Places. Parishioner Henrietta Eidt recounted that Grace Church was considered to be "the silk-stocking church of East Dallas" because of the many well-to-do residents of exclusive Munger Place who attended its services (Eidt conversation March 30, 1990). These East Dallas institutional and religious

structures are among the city's outstanding architectural landmarks remaining from the early 1900s.

East Dallas grew tremendously after about 1902, especially east of Washington Avenue and into the project area, as many old estates and farmlands were subdivided for new residences. Between 1902 and 1922 the entire project area became filled in, particularly along streetcar routes, with only an occasional vacant lot between buildings or estates. The 1899 Sanborn maps show Haskell Avenue as the eastern boundary of most development, but by 1905 that boundary extended to Carroll Street below Gaston Avenue and all the way east to Fitzhugh Avenue above it (Goodan 1986). In 1905 the development between Haskell Avenue and Carroll Street north of Elm Street was almost entirely residential with the exception of the schools, churches, one store, a carpenter's shop, and a nursery. Ross Avenue continued its role as "Dallas' Fifth Avenue" with the erection of magnificent Colonial Revival and Prairie-influenced homes, almost all of which have been demolished. One of the few remaining palatial residences on Ross Avenue is that built by Charles H. Alexander. c. 1906. at the northeast corner of Ross Avenue and Annex Street. It was purchased and restored by the Dallas Women's Forum in 1930 (McDonald 1978: 141. 143). An exception to the overall residential character of East Dallas was the placement of the Dallas Consolidated Street Railway complex, covering three-quarters of the block between Elm and Main streets where they crossed Peak Avenue (Sanborn maps. 1899. 1905).

Two factors took shape in 1905 that had a major impact on housing styles and development in East Dallas. One was the shift in the popularity from the latter Victorian-era styles to the emerging Prairie and Mission Revival styles. The other was the development of Munger Place, one of Dallas' first planned heavily-restricted, neighborhoods (Gooden 1986: 51). After carefully researching several restricted residence parks in other sites, Roberts S. Munger bought raw farmland near prestigious St. Mary's College and began development of Munger Place. Between 1905-1925, some of Dallas' most promising architects gained their reputations building modern, progressive homes in Mission Revival, Colonial Revival, and Spanish Colonial Revival variations on Frank Lloyd Wright's Prairie Style. The Munger Place development lay immediately to the east and many Peak Suburban Addition homes constructed during this time were built in the same styles.

Commercial enterprises began to spring up in the 1920s and tended to proliferate on the streetcar lines, especially at the intersections of two lines. A comparison of 1905 and 1922 Sanborn maps shows the profound influence these intersecting carlines had in converting residential areas to commercial. Interurban railways began running in the area about 1908 and had an influence on the neighborhoods through which they ran, although they did not offer local service. The Bryan interurban line was established in 1908 and ran along the same street at the streetcar (Gooden 1986: 55). It is notable that by 1922, Bryan Street, especially where it intersects with Peak Avenue, had the most commercial buildings in the area. Automobiles were also having an impact on the area. The first

automobile was registered in Dallas County in 1901. By 1917 registration had increased to about 15,000 most of it in the city of Dallas (Gooden 1986: 56). The automobile eventually changed the way suburban growth and development occurred in Dallas and served to push the city even further from its center.

During the teens and 1920s, a number of fine Mission Revival and Prairie Style homes as well as smaller bungalows and cottages, were built in the pockets to completely fill in the remainder of East Dallas. By 1922, almost no vacant areas remained in the project area with the exception of the large estates built before about 1905. When their wealthy owners began moving to the more fashionable developments further out, these estates were broken up for re-development one by one. The sporadic evolution and re-definition of the area continued to contribute to the uneven appearance of East Dallas. The 1922 Sanborn maps show many large homes with a handful of large estates remaining on Swiss and Gaston avenues, but commercial development had already replaced residences along the crosstown streetcar routes of Bryan Street. In 1922 there was a fire on Peak Street that burned 32 homes to the ground (WPA Paul Myers "Parks" pg. 6 Box 4J57, 1940). The homes were replaced with commercial enterprises taking advantage of the streetcar frontage.

One of the most outstanding changes that took place in the project area between about 1915 and 1930 was the advent of large apartment buildings, many of which remain in the project area.

The Great Depression and the Texas Centennial in 1936 both encouraged multi-family use of older dwellings to East Dallas. The hard years of the depression forced some families to take in boarders. During the Centennial, large houses in East Dallas were divided into rooms that rented for \$1.00 per night (Eidt conversation March 30, 1990).

14. Bibliography

1. The WPA Dallas Guide and History, published by Dallas Public Library and the University of North Texas Press 1992.
2. Memorial and Biographical History of Dallas County, the Lewis Publishing Co. 1892.
3. A History of Greater Dallas and Vicinity, Volume II L.B Hill Editor, the Lewis Publishing Co. 1909.
4. Jefferson Peak Will, location ?

15. Attachments

- | | |
|--|---|
| ☒ District or Site Map | ☐ Additional descriptive material |
| ☐ Site Plan | ☐ Footnotes |
| ☐ Photos (historic & current) | ☒ Other: <u>Jefferson Peak Will</u> |

16. Inventory of Structures-Historic District Only (Page of)

Please complete this form for each structure in a proposed historic district

a. Location and Name

b. Development History

Original owner:

Architect/builder:

Construction/alteration dates:

c. Architectural Significance

Dominant style:

Condition:

Alterations:

d. Category

Contributing <u> </u>	Compatible <u> </u>	Non-contributing <u> </u>
<i>excellent example of an architectural style that is typical of or integral to the district; retaining essential integrity of design</i>	<i>supportive of the district in age, style and massing but is not representative of the significant style, period and detailing, or area of significance typical of the district</i>	<i>intrusive; detracts from the character of the district</i>

e. Statement of Significance

Designation Merit

- | | | | |
|--|----------|--|----------|
| A. Character, interest or value as part of the development, heritage or cultural characteristics of the City of Dallas, State of Texas or the United States. | <u>X</u> | G. Identification as the work of an architect or master builder whose individual work has influenced the development of the city. | _____ |
| B. Location as the site of a significant historical event. | _____ | H. Embodiment of elements of architectural design, detail, material or craftsmanship which represent a significant architectural innovation. | _____ |
| C. Identification with a person or persons who significantly contributed to the culture and development of the city. | <u>X</u> | I. Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural or architectural motif. | <u>X</u> |
| D. Exemplification of the cultural, economic, social or historical heritage of the city. | <u>X</u> | J. Unique location of singular physical characteristics representing an established and familiar feature of a neighborhood, community or the city. | <u>X</u> |
| E. Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style. | <u>X</u> | K. Archaeological value in that it has produced or can be expected to produce data affecting theories or historic or prehistoric value. | _____ |
| F. Embodiment of distinguishing characteristics of an architectural style or specimen. | <u>X</u> | L. Value as an aspect of community sentiment of public pride. | <u>X</u> |

Recommendation

The Designation Task Force 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 Task Force endorses the Preservation Criteria, policy recommendations and landmark boundary as presented by the Department of Planning and Development.

Date:

Kate Singleton 885

Kate Singleton, Chair
Neighborhood Designation Task Force

Tiffany Strickland
Tiffany Strickland, Urban Planner
Historic Preservation

Jefferson Peak dec'd.

Martha M. Peak Executrix.... In County Court, Dallas County, Texas, 1st Nov. Term. To the Hon. E. L. Power, Judge of said Court. Your petitioner Martha M. Peak, respectfully represents to the Court that Jefferson Peak, late a citizen of Dallas County departed his life on the 1st day of October 1885 A.D. that he was at the time of his death a resident citizen of said Dallas County, Texas. Your petitioner further shows that the said Jefferson Peak on the 18th day of Nov. 1879, executed in writing in due form of law his last will and testament thereby disposing of all his property, real, personal and mixed, and therein appointing your petitioner sole executrix of said last will and testament. That said will was signed by the said Jefferson Peak and witnessed by St. H. Field, John M. Simmons and J. L. Leonard. That the estate of the said Jefferson Peak consisted of real, personal and mixed property, situated in Dallas, Denton, Tarrant and Henderson Counties in the state aforesaid and of the probable value of \$90,000⁰⁰. That your petitioner is a citizen of Dallas County and is not disqualified by law from accepting letters testamentary. Wherefore your petitioner craves and files said last will and testament, and this the application for the property of said will, and prays that notice be given and that at the next term of this Court, the said will may be admitted to Probate, and letters testamentary thereon be issued to your petitioner and for all other proper relief your petitioner will ever pray.

Martha M. Peak

Filed 13th day of Nov. A.D. 1885.

W. M. C. Hill, C. C. D. C. T.

Petition record. No. 2 Page 87 L. H. Hughes Deputy.

1894, Aug 20, T. J. [unclear]
County of Dallas } I know all men by these presents that I
Jefferson Peak of the County of Dallas, and State of Tex.
being now of sound mind and in good health, do, make,
ordain, and declare this to be my last will and testament
and I do hereby dispose of all the Estate owned by me in
manner, form as hereinafter expressed.

My first desire is, that all my just debts be paid as
soon after my death as the same can be conveniently done by
my executrix hereinafter named, and she, my now said executrix,
is fully authorized to sell so much of my real estate, as may be
for that purpose upon such terms and conditions as to her may
seem best, and to convey by deed such estate as she may sell
for that purpose.

And after distributing my estate between my devisees and le-
gates, I will and bequeath to the First Christian Church of the
City of Dallas one half of a block of land in my Suburban
Addition to the City of Dallas, this half block to be selected
out of said Addition by the Trustees of said Church, and my
Executrix, this bequest to the said Church is for the purpose
of building a Church house on the land or lots hereby be-
queathed, but if the said Church sees fit or proper to sell
said Lot, and buy other property, herewith they are authorized
so to do; but the lot or its proceeds are to be used solely for
Church purposes. This bequest is however upon this condition
that, if the said church should hereafter at any time use
instrumental music in said Church services or in any Sunday
or Lord's day school in the said first Christian Church,
then this bequest is to become absolutely void and the
said property hereby bequeathed or any other that may have
been purchased with the funds arising from the sale of
the land hereby bequeathed is to revert to, and become part

his education for his profession, and in setting him up in business some three or more times largely beyond any of my other children, and I do not desire that one of my children shall have or receive from my Estate more, than an other, and feeling that a share of one half of one tenth of my Estate with what I have heretofore advanced him will fully equalize him with my other children. I hereby give devise and bequeath to my said son Carroll M. Peak one twentieth part of all my Estate not heretofore disposed of by this will.

To my son Wallace Peak, I devise and bequeath one equal tenth part of my whole estate, not heretofore disposed of by special legacy.

To my beloved daughter Fannie A. Harwood, I devise and bequeath one equal tenth part of my whole Estate.

To my grandson Wallace D. Peak, only child of my son Jefferson Peak, I devise and bequeath one equal tenth part of my Estate. -

To my beloved daughter Juliet A. Fowler I devise and bequeath one equal tenth part of my Estate.

To my son Junius Peak, I devise and bequeath one equal tenth part of my Estate.

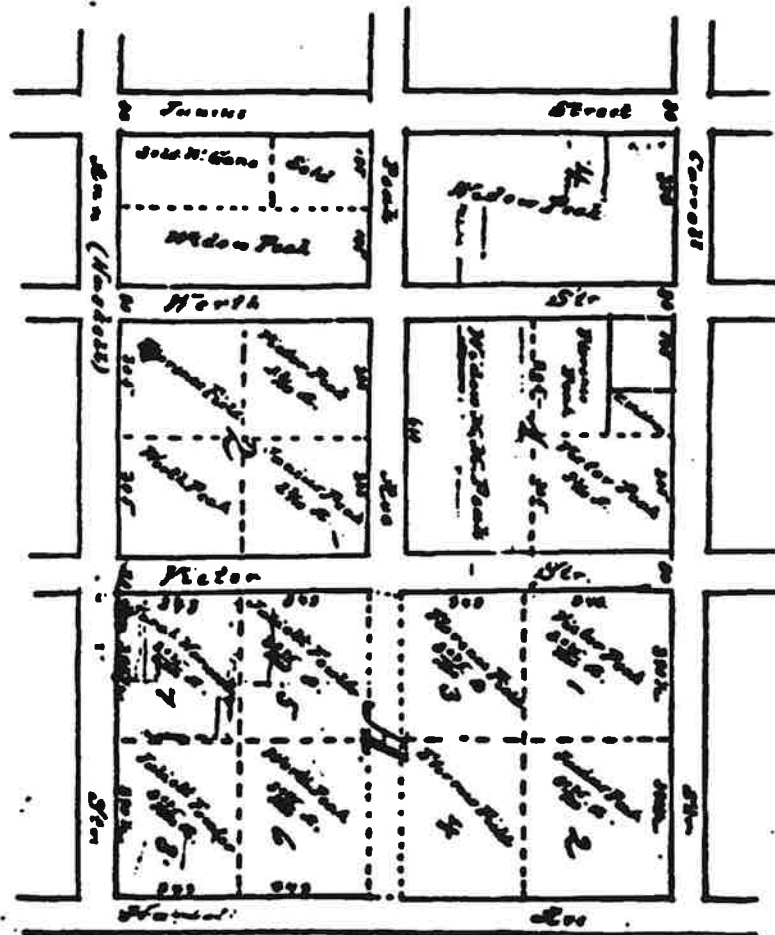
To my beloved daughter Florence Field, wife of Thomas Field, I devise and bequeath one equal tenth part of my Estate.

To my son Worth Peak, I devise and bequeath one equal tenth part of my Estate.

To my son George Victor Peak, I devise and bequeath one equal tenth part of my Estate.

To my son Matthias L. Peak, I devise and bequeath one equal tenth part of my Estate.

Having thus, as I conceive made an equal distribution of my whole estate among my children and grandchildren

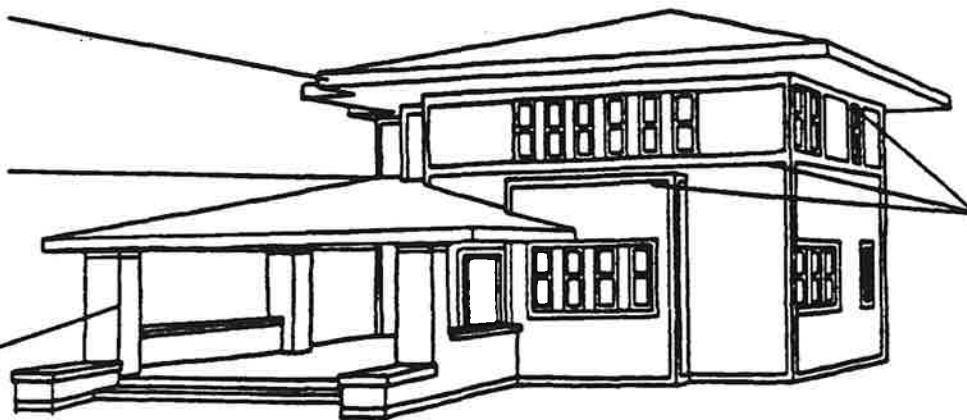


This plat is only intended to
 show the property south of James
 St. The property ought for.
 Abstractor did not claim it
 necessary to show entire map
 of estate. which however is all
 right.

low-pitched roof
with widely
overhanging eaves

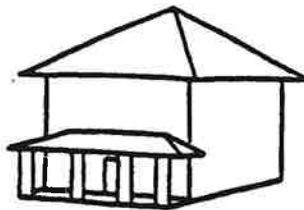
two stories with
one-story porches
or wings

massive square
porch supports



detail emphasizing
horizontal lines

HIPPED ROOF, SYMMETRICAL,
WITH FRONT ENTRY



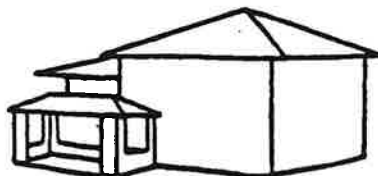
pages 444-5

HIPPED ROOF, SYMMETRICAL,
NO FRONT ENTRY



pages 446-7

HIPPED ROOF,
ASYMMETRICAL



pages 448-9

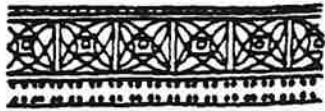
GABLED ROOF



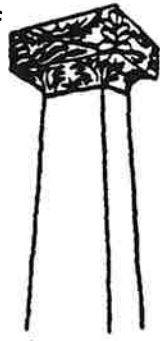
pages 450-1

PRINCIPAL SUBTYPES

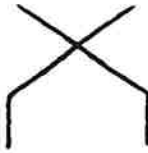
SULLIVANESQUE
stylized floral and circular geometric



bands at cornice or door



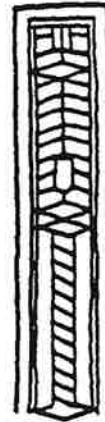
column capitals



terra cotta
medallion

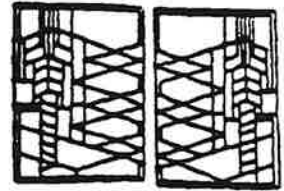


column
elaboration
and capitals



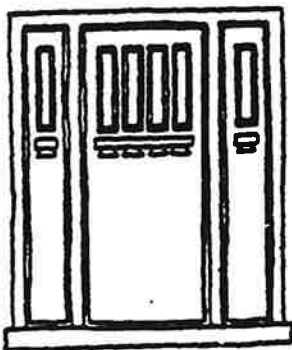
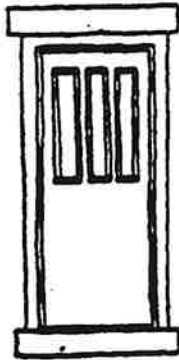
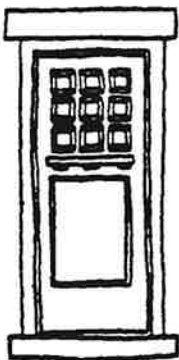
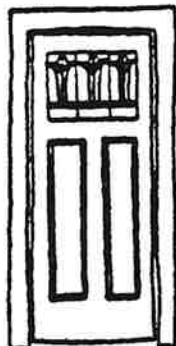
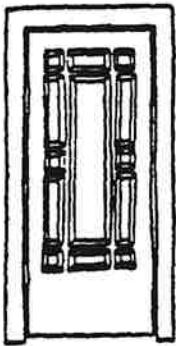
angular geometric

Prairie

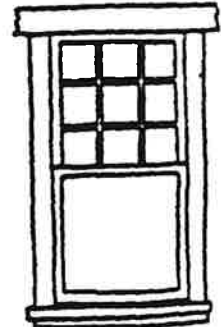
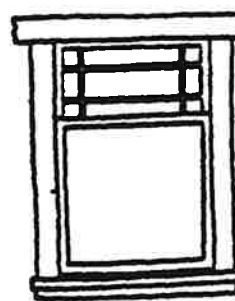
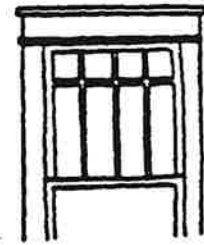
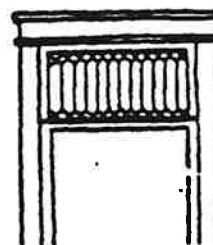
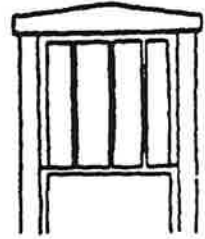
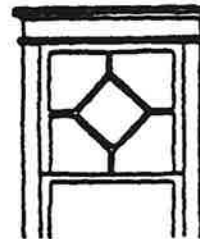
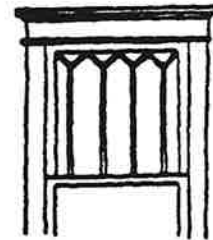
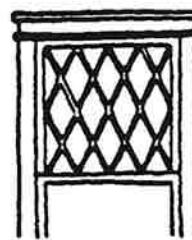


lead glass windows

DECORATIVE DETAIL



TYPICAL DOORS



FOUND IN BOTH
CRAFTSMAN & PRAIRIE

TYPICAL WINDOW GLAZING & SURROUNDS
Casement windows common on Prairie high-style examples

Prairie



gable



through-cornice



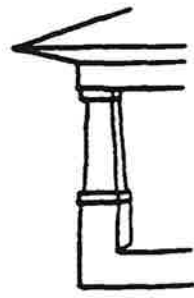
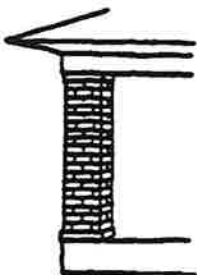
Palladian

COMMON DORMER VARIANTS



COMMON PORCH VARIANTS

MOST COMMON VERNACULAR FORM



COMMON PORCH SUPPORT VARIANTS

Craftsman

1905-1930

low-pitched gabled roof (occasionally
hipped) with wide,
enclosed eave overhang

roof rafters
usually exposed

porches, either full-
or partial-width,
with roof supported
by square columns



decorative (false)
beams or braces
under gables

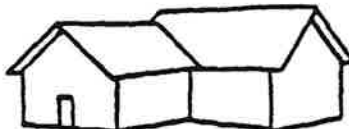
columns or column
bases frequently
continue to ground
level (without break
at level of porch floor)

FRONT-GABLED ROOF



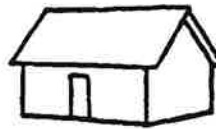
pages 456-7

CROSS-GABLED ROOF



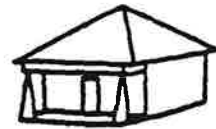
pages 458-9

SIDE-GABLED ROOF

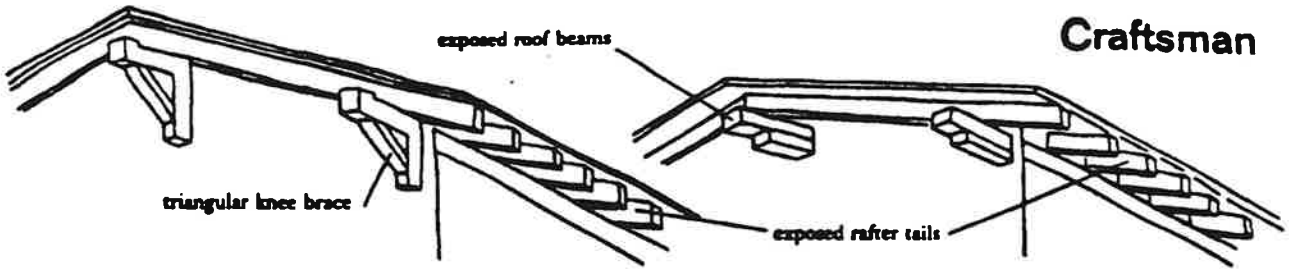


pages 460-1

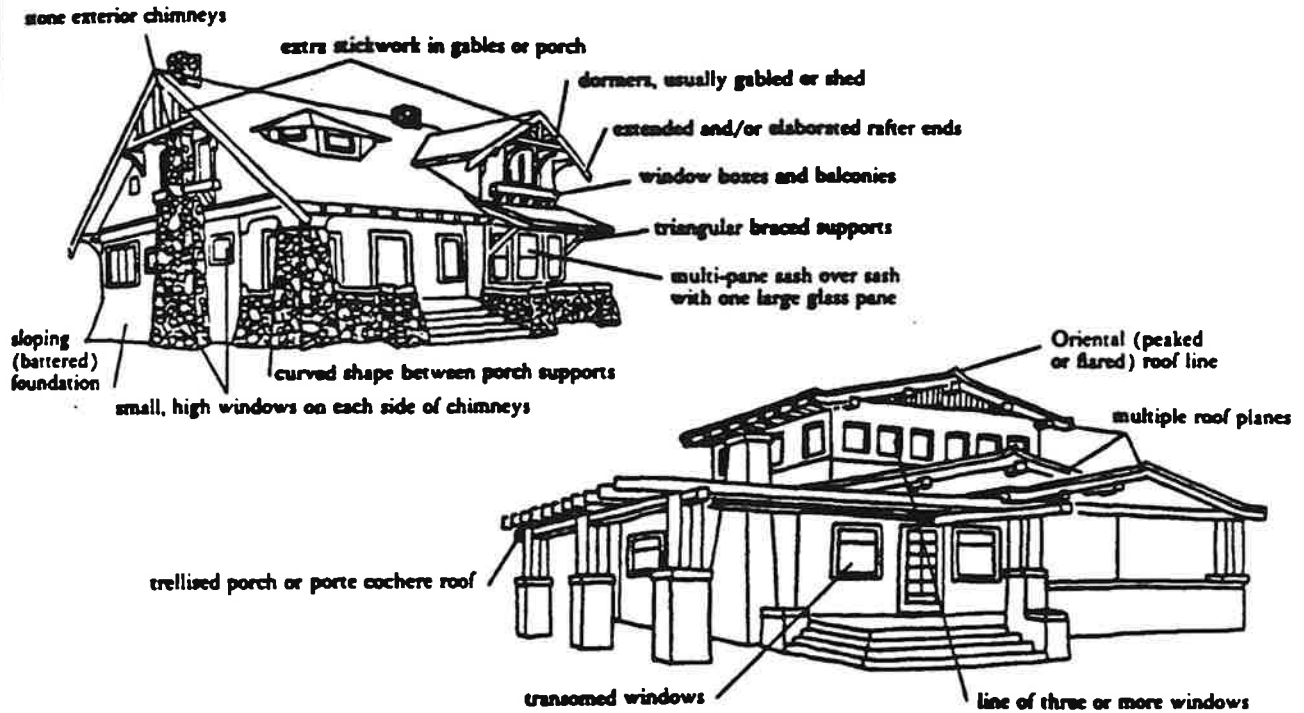
HIPPED ROOF



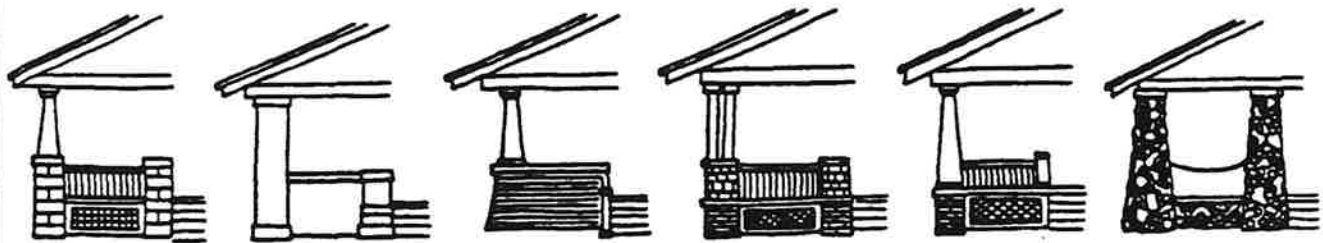
page 463



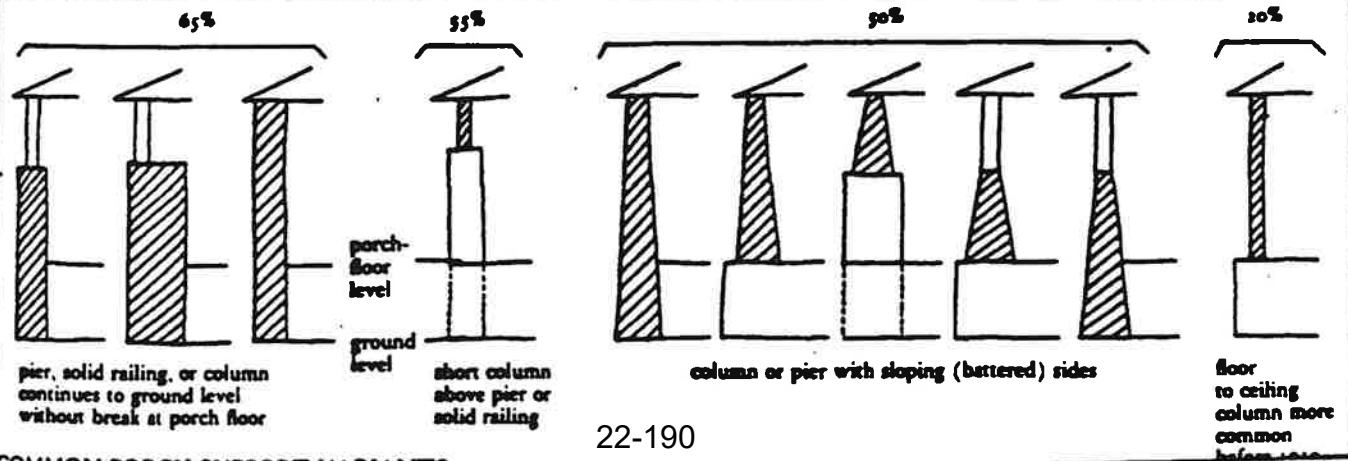
TYPICAL ROOF-WALL JUNCTIONS



TYPICAL ELABORATIONS



SOME TYPICAL PORCH SUPPORTS AND PORCH RAILINGS A pier without column is common



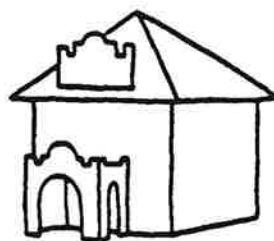
COMMON PORCH SUPPORT VARIANTS

Mission

1890-1930

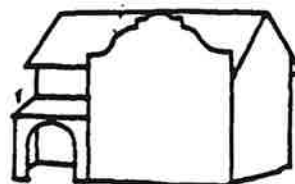


SYMMETRICAL



pages 412-13

ASYMMETRICAL



pages 414-15

Tudor

1890-1940

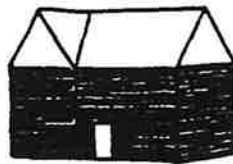


STUCCO WALL CLADDING



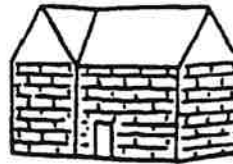
pages 360-1

BRICK WALL CLADDING



pages 362-3

STONE WALL CLADDING



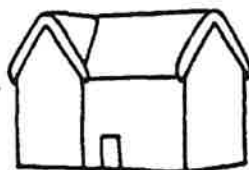
pages 366-7

WOODEN WALL CLADDING



page 368

FALSE THATCHED ROOF



page 369

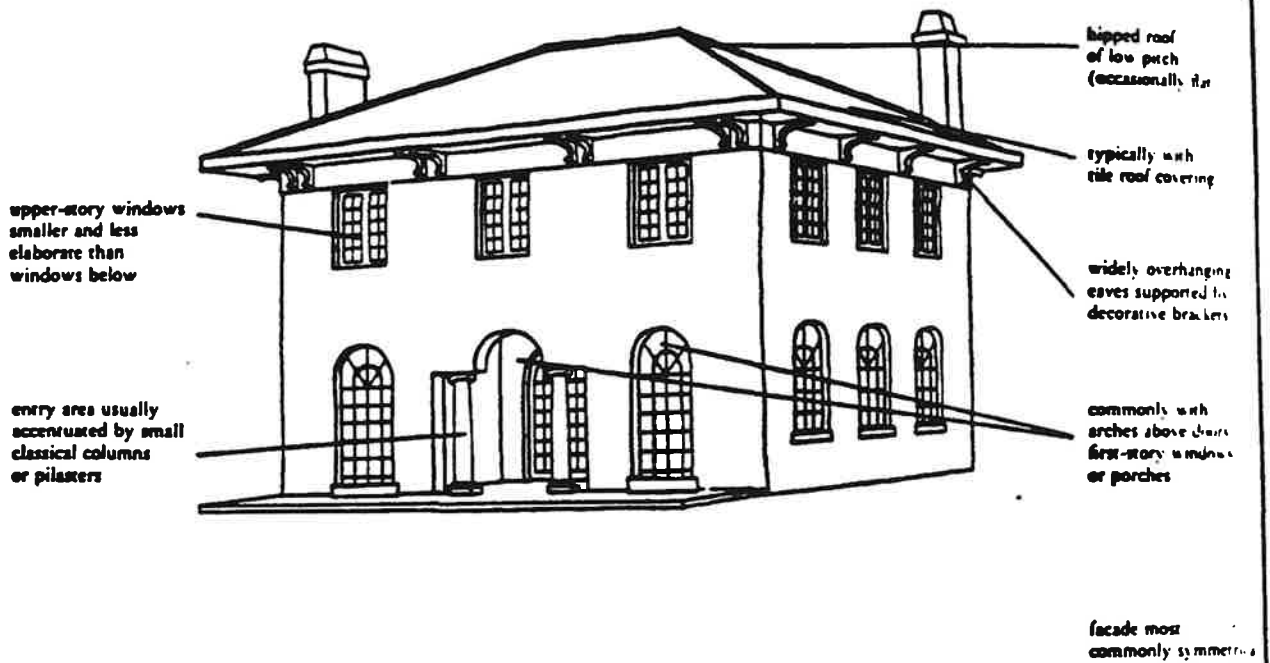
PARAPETED GABLES



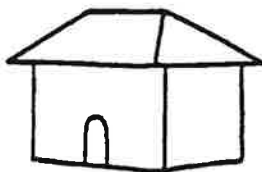
pages 370-1

Italian Renaissance

1890-1935



SIMPLE HIPPED ROOF



pages 400-1

HIPPED ROOF WITH PROJECTING WING(S)



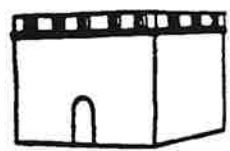
pages 402-3

ASYMMETRICAL



pages 404-5

FLAT ROOF



pages 406-7

Shingle

1880-1900



HIPPED ROOF WITH
CROSS GABLES



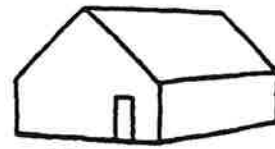
page 292

SIDE-GABLED ROOF



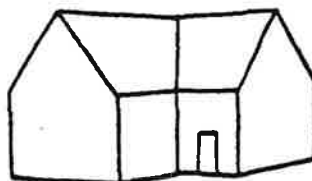
page 293

FRONT-GABLED ROOF



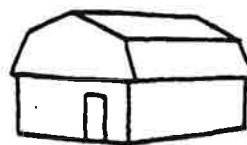
pages 294-5

CROSS-GABLED ROOF



pages 296-7

GAMBREL ROOF



pages 298-9

Colonial Revival

1880-1955

windows with double-hung sashes, usually with multi-pane glazing in one or both sashes

accentuated front door, normally with decorative crown supported by pilasters or extended forward and supported by slender columns to form entry porch; fanlights or sidelights may be present



windows frequently in adjacent pairs

facade normally with symmetrically balanced windows and center door (less commonly with door off-center)

ASYMMETRICAL



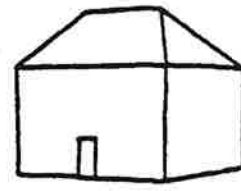
pages 336-7

HIPPED ROOF WITH FULL-WIDTH PORCH



pages 338-9

HIPPED ROOF WITHOUT FULL-WIDTH PORCH



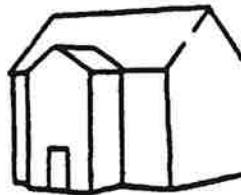
pages 339-4

SIDE-GABLED ROOF



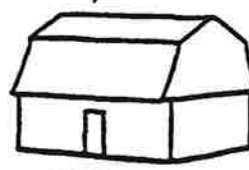
pages 333-3

CENTERED GABLE



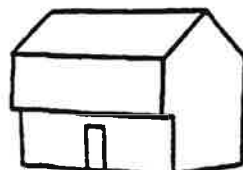
pages 334-5

GAMBREL ROOF



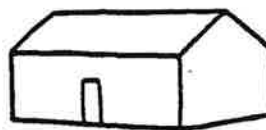
pages 336-7

SECOND-STORY OVERHANG



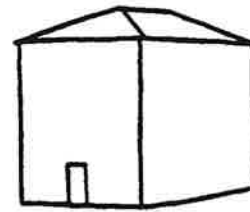
pages 338-9

ONE-STORY



pages 339-4

THREE-STORY



pages 340-1

Folk Victorian

ca. 1870-1910

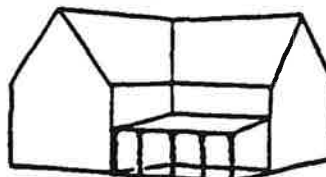


FRONT-GABLED ROOF



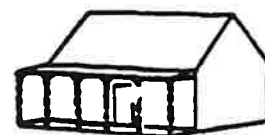
page 311

GABLE FRONT AND WING



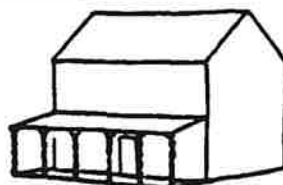
page 312

SIDE-GABLED ROOF, ONE-STORY



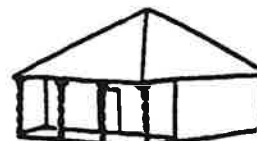
page 313

SIDE-GABLED ROOF, TWO-STORY



pages 314-15

PYRAMIDAL



pages 316-17

Stick

1860-ca. 1890



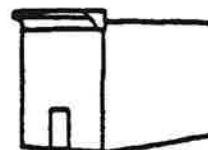
all identifying features rarely present in combination

GABLED ROOF



pages 158-9

TOWN HOUSE



page 160

TOWERED
page 161

Neoclassical

1895-1950

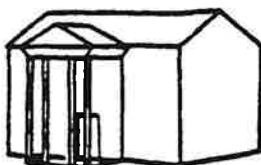


columns typically have Ionic or Corinthian capitals

facade dominated by full-height porch with roof supported by classical columns

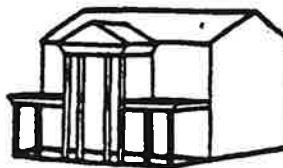
facade with symmetrically balanced windows and center door

FULL-HEIGHT ENTRY PORCH



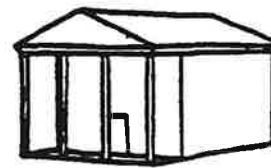
pages 346-7

FULL-HEIGHT ENTRY PORCH WITH LOWER FULL-WIDTH PORCH



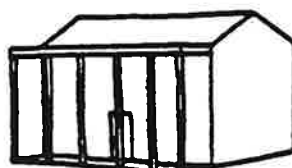
page 348

FRONT-GABLED ROOF



page 349

FULL-FACADE PORCH



pages 350-1

ONE-STORY



pages 352-3

PRINCIPAL SUBTYPES

Queen Anne

1880-1910

partial or full-width asymmetrical porch, usually one-story high and extended along one or both side walls



roof of irregular shape, usually with dominant front-facing gable

textured shingles (and/or other devices) used to avoid smooth-walled appearance

asymmetrical facade

SHAPE SUBTYPES

HIPPED ROOF WITH LOWER CROSS GABLES



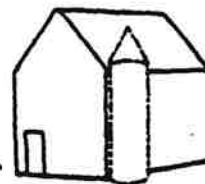
pages 269-73

CROSS-GABLED ROOF



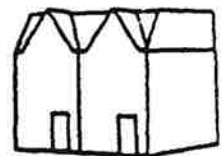
page 274

FRONT-GABLED ROOF



page 275

TOWN HOUSE



pages 286-7



SPINDLEWORK



FREE CLASSIC



HALF-TIMBERED



PATTERNED MASONRY

ESCALATOR: INTERIOR AND EXTERIOR

SECTION 7

Correspondence

- Notice of October 3, 2022 Landmark Hearing
- Notice of application denied without prejudice
- Request to Appeal from applicant
- Appeal Procedures

Landmark Commission Briefing and Public Hearing -- Monday, October 3, 2022

Rhonda Dunn <rhonda.dunn@dallas.gov>

Wed 9/28/2022 11:33 AM

Bcc: Marlon Lunaty Garccia <marlonlunatygarcia@yahoo.com>;dlmaintenance@live.com.mx
<dlmaintenance@live.com.mx>

Good morning applicants,

This email is just a reminder about the upcoming Landmark Commission meeting on **Monday, October 3, 2022**. The meeting will be held virtually, though City Council Chambers on the 6th Floor at City Hall (Room 6ES) will be available for those who wish to attend in person or who are not able to attend virtually. Those attending in person will be required to follow all current pandemic-related public health protocols.

Below you will find the web link and teleconference number for the October 3rd Landmark Commission meetings. **In addition, you will find an email address for our admin, Phyllis Elaine Hill, that you will need for signing up to speak at the meeting. The deadline to sign up to speak is Monday, October 3 by 9:00 AM, so be sure that you and/or anyone who plans to speak on your case has emailed Elaine and signed up on time. There is not a way to sign you up to speak after this deadline closes. When emailing Elaine, be sure you include the speakers' full name as well as the address for the case you are requesting to speak on. Also be aware that speakers who attend the meeting virtually will be required to use video during the meeting discussion. Per state law, you may not participate using audio only.**

The October 3rd meeting agenda will be posted no later than Friday afternoon on September 30. Once posted you should be able to view the agenda and docket (which includes the staff reports on each case) on our website

here: https://dallascityhall.com/government/meetings/Pages/landmark_commission.aspx.

You may also access the meeting agenda once it is posted on the City Secretary's Office website

here: https://dallascityhall.com/government/meetings/Pages/landmark_commission.aspx.

There are two meetings that will happen Monday. There is the public hearing at 1:00 PM which you all should plan to attend because that is where the Commission will make their decision on your application, or will provide comments if your application is a Courtesy Review. But there is also a morning Briefing meeting which is optional for you to attend. The start time for the October 3rd Briefing meeting is no later than 10:00 AM. Be aware that the public can listen in but may not participate in the Briefing discussion. Discussion with applicants is reserved for the 1:00 PM public hearing.

Below is the October 3rd Landmark meeting connection info for attendees, as well as the Speaker Sign Up email.

Videoconference

To join via computer:

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=e5b1509105094117052e3b416161321d5>

To join via phone only:

Call-in (audio only): 408-418-9388

Access code: 2482 631 4964

Per state law, you may listen but not participate using audio only.

Speaker Sign-Up:

Email: Elaine Hill at phyllis.hill@dallas.gov

Deadline: **Monday, October 3 at 9:00 AM**

You must sign up by email by the above deadline to speak at the Landmark Commission hearing. Be sure your email to Elaine includes the full name of the speaker, as well as the address for the case you wish to speak on.

Let me know if you have any questions.

Kind Regards,



Rhonda Dunn, Ph.D.

Senior Planner

City of Dallas | www.dallascityhall.com

Office of Historic Preservation

1500 Marilla St, Room 5DN

Dallas, TX 75201

rhonda.dunn@dallas.gov

(214) 671-5173



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APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is November 2, 2022

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

Office Use Only
Date Received

Landmark Case/File No.: CA212-574(RD)

Property Address: 4512 SYCAMORE ST

Date of Landmark Commission Action: October 3, 2022

Applicant's Name: Marlon Lunaty

Applicant's Mailing Address: 4512 Sycamore street

City: Dallas State: TX Zip: 75204

Applicant's Phone Number: 562-413-2689 Fax: _____

Applicant's Email: marlonlunatygarcia@yahoo.com

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

Owner's Name: _____

Owner's Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner's Phone Number: _____ Fax: _____

Owner's Email: _____

Applicant's Signature

Date

10/24/2022

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

RECEIVED

NOV 02 2022

BY: _____

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

(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Minor plan amendment	\$825.00	
Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment	\$300.00	
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	\$600.00 for each submission	
Waiver of the two year waiting period under Section 51A-4.701(d)(3)	\$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	\$75.00	
Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1	\$200.00	
Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department	\$300.00	
Request for a letter from the department explaining the availability of water services for a development site	\$200.00	
Request for a letter from the department explaining the availability of wastewater services for a development site	\$200.00	
Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use	\$2,500.00	
Appeal of an apportionment determination to the city plan commission	\$600.00	
Appeal an apportionment determination decision of the city plan commission to the city council	\$600.00	

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Appeal a decision of the landmark \$300.00 commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use	\$300.00	
Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding any other use	\$700.00	
Request for a sidewalk width waiver under Section 51A-4.124(a)(8)(C)(v)	\$300.00	
Request for an administrative parking reduction under Section 51A-4.315	\$375.00 and \$25 per space over 10 spaces	

Note. The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhood associations covering the property, and persons on the early notification list at least 10 days prior to the public hearing.

(I) Fees for a street name change.

(1) The following fees are required for a street name change.

(A) A street name change fee must be paid to the director before an application will be processed.

(B) A fee for new street identification signs must be paid to the director of sustainable development and construction within 60 days of the approval of a street name change by the city council.

(C) A fee for change of official address records must be paid to the building official within 60 days of the approval of a street name change by the city council.

October 11, 2022

MARLON LUNATY
P O BOX 140383,
DALLAS, TX 75214

**RE: CA212-574(RD)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
4512 SYCAMORE ST**

Dear MARLON LUNATY:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on October 3, 2022.

Be aware that you may need to bring your CA and approved drawings and/or blueprints to Building Inspection for a building permit. Before starting any approved work, be sure to post your CA in a front window or other prominent location on the structure so it may be seen by City officials to ensure work is performed as approved by the Landmark Commission. Please see enclosed Certificate of Appropriateness for Details.

PLEASE NOTE: You have the right to appeal this decision within 30 days from the Landmark Commission review date. The enclosed ordinance lists the fee schedule for appeals. Also enclosed is an application for appeal which is due in our office by 5:00 P.M on November 2, 2022. For information regarding the appeals process, please email Elaine Hill at Phyllis.hill@dallas.gov

Please make checks payable to the City of Dallas.

Encl. Application for Appeal
Ordinance No. 19455

If you have any questions, please contact me by phone at (214) 671-5173 or email at rhonda.dunn@dallascityhall.com.



Rhonda Dunn
Senior Planner

Enclosure

Certificate of Appropriateness

October 3, 2022

Standard	October 3, 2022	PLANNER:	Rhonda Dunn
FILE NUMBER:	CA212-574(RD)	DATE FILED:	September 15, 2022
LOCATION:	4512 SYCAMORE ST	DISTRICT:	Peak's Suburban Addition Neighborhood
COUNCIL DISTRICT:	2	MAPSCO:	46-A
ZONING:	MF-1(A),R-7.5(A)	CENSUS TRACT:	0015.04

APPLICANT: MARLON LUNATY**REPRESENTATIVE:****OWNER:** LUNATY, MARLON

The Landmark Commission decision is: Partially Approved

Information regarding requests:

1) A Certificate of Appropriateness to paint exterior. (Body: Blue, Trim: White, Accent: Navy) Work done without a CA.

Deny without Prejudice

Conditions: That the request for a Certificate of Appropriateness to paint exterior (Body: Blue, Trim: White); work done without a Certificate of Appropriateness be denied without prejudice. The proposed work is inconsistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards. The painting of the brick is to be removed.

2) A Certificate of Appropriateness to replace chain link fence around rear and side yards with wood fence. Work done without a CA.

Approve

Conditions: That the request for a Certificate of Appropriateness to replace chain link fence around rear and side yards with wood fence be approved as submitted.

3) A Certificate of Appropriateness to install grass at the front and rear of property.

Approve

Conditions: That the request for a Certificate of Appropriateness to install grass in the front and rear of property be approved in accordance with specifications dated 9/1/22. The proposed work is consistent with Peak's Suburban Addition's preservation criterion Section 2.6 pertaining to Site and Site Elements; City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures; and the Secretary of the Interior's Standards.

Certificate of Appropriateness

October 3, 2022

Information regarding requests:

- 4) A Certificate of Appropriateness to replace roofs on two existing carport structures, in rear yard.

Approve

Conditions: That the request for a Certificate of Appropriateness to replace roofs on two existing carport structures, in rear yard be approved in accordance with specifications dated 9/1/22. The proposed work is consistent with City Code 51A-4.501(g)(6)(C)(ii) for non-contributing structures, and the Secretary of the Interior's Standards.

- 5) A Certificate of Appropriateness to replace wood windows with wood composite windows -- thirty-one total. (Brand: Anderson, Material: Fibrex).

Deny

Conditions: That the request for a Certificate of Appropriateness to replace wood windows with wood composite windows be denied. Wood composition windows are not wood, and these windows would have an adverse effect on the historic district. Work is not consistent with 51A-4.501(g)(6)(c)(ii) for non-contributing structures. Proposed work is not compatible with the historic district.



Landmark Commission Chair

October 3, 2022

Date

Please take any signed drawings to Building Inspection for permits.

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

(Revised April 2014)

1. Postponements.

- a. The City Plan Commission may grant a postponement if it wishes.
- b. Dallas Development Code §51A-4.701(e), regarding postponement of zoning applications by the applicant, does not apply.

2. Content of the record.

- a. Copies of the complete record will be distributed by staff to the City Plan Commission two weeks before the scheduled hearing.
- b. The parties may request that the record be supplemented.

3. Additional correspondence and briefs.

- a. Additional correspondence or briefs, if any are desired to be submitted by the parties, should be provided to the planning staff for distribution to the City Plan Commission.
- b. The parties should provide each other with copies of any information they submit to the City Plan Commission.
- c. Interested parties should not make any contacts with commission members other than those submitted through the city staff.

4. Representation of the Landmark Commission.

- a. The Landmark Commission will be represented by Laura Morrison.

5. Order of the hearing.

- a. Each side will receive 20 minutes (exclusive of questions from the City Plan Commission) with 5 minutes for rebuttal by appellant.
- b. Order of the hearing.
 - (1) Preliminary matters.
 - (A) Introduction by the Chair
 - (2) Appellant's case (20 minutes). *
 - (A) Presentation by the appellant's representative.
 - (B) Questions from Commission Members.
 - (3) Landmark Commission's case (20 minutes). *
 - (A) Presentation by the Landmark Commission's representative.
 - (B) Questions from Commission Members.
 - (4) Rebuttal/closing by the appellant's representative (5 minutes).
 - (5) Decision by the City Plan Commission. **

* If a party requires additional time to present its case, including testimony and evidence concerning the previous recommendations and actions of the city staff and the Landmark Commission and its task forces, the party shall request that additional time be granted by the City Plan Commission. If the Commission grants one party additional time, the opposing party shall also be granted a similar time extension.

** In considering the appeal, the City Plan Commission shall hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the Landmark Commission and its task forces.

6. **Introduction of new evidence at the hearing.**

- a. The City Plan Commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the Landmark Commission to determine whether that testimony or evidence was available at the Landmark Commission hearing.
- b. If the City Plan Commission determines that new testimony or evidence exists that was not available at the Landmark Commission hearing, the City Plan Commission shall remand the case back to the Landmark Commission.
- c. The party attempting to introduce new evidence bears the burden of showing that the evidence was not available at the time of the Landmark Commission's hearing.
- d. Newly presented evidence is subject to objection and cross examination by the opposing party.

7. **Remedies of the City Plan Commission.**

- a. The City Plan Commission may reverse or affirm, in whole or in part, or modify the decision of the Landmark Commission.
- b. The City Plan Commission shall give deference to the Landmark Commission decision and may not substitute its judgment for the Landmark Commission's judgment. The City Plan Commission shall affirm the Landmark Commission decision unless it finds that it:
 - (1) violates a statutory or ordinance provision;
 - (2) exceeds the Landmark Commission's authority; or
 - (3) was not reasonably supported by substantial evidence considering the evidence in the record.
- c. The City Plan Commission may remand a case back to the Landmark Commission for further proceedings.