

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., WEDNESDAY, June 4, 2014
CITY COUNCIL CHAMBERS, 2ND FLOOR OF CITY HALL
823 ROSENBERG, GALVESTON, TEXAS

A. Attendance

B. Conflict of Interest

D. New Business and Associated Public Hearing

14Z-11 (5316 Broadway / Avenue J)

Request for a variance from the Galveston Zoning Standards Section 29-105 regarding "Building Mounted Signs" in a Light Industrial, Gateway Development Zone 1 (LI-GDZ-1) zoning district. Property is legally described as the West half of Block 233 (233-0-1), in the City and County of Galveston, Texas.

Applicant: John Saracco

Property Owner: Galveston Four S Investment, Inc.

Documents: [14Z-11 STF.PDF](#)

14Z-12 (1622 Ave D/Market) Request to appeal the City of Galveston Landmark Commission's decision regarding case 14LC-13

Request for a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementitious Fiberboard siding, commonly known as Hardiplank. Property is legally described as East ½ of Lot 13 (13-2) Block 556 Galveston, in the City and County of Galveston, Texas.

Applicant and Owner: David Mullican

Documents: [14Z-12 STF.PDF](#)

14Z-13 (14 Porch Street)

Request for a variance from the Galveston Zoning Standards Section 29-68, regarding fence height requirement. Property is legally described as Lots 109 and 111 also known as 14 Porch Street, Evia Phase One, a subdivision in the City and County of Galveston, Texas. Applicant and Property Owner: Kathy Drake

Documents: [14Z-13 STF.PDF](#)

E. Adjournment

Prepared By:



Athena Petty, Planning Assistant

Date Prepared: May 30, 2014

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409-797-3510).

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING.

14Z-11 (5316 Broadway / Avenue J) Request for a variance from the Galveston Zoning Standards Section 29-105 regarding "Building Mounted Signs" in a Light Industrial, Gateway Development Zone 1(LI-GDZ-1) zoning district. Property is legally described as the West half of Block 233 (233-0-1), in the City and County of Galveston, Texas.

Applicant: John Saracco

Property Owner: Galveston Four S Investment, Inc.

Case Manager: Adriel Montalvan, Urban Planner I

Existing Zoning and Land Use:

Zoning	Light Industrial with Gateway Development Zone 1 (LI-GDZ-1)
Land Use	Commercial

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Light Industrial within Gateway Development Zone, Zone 1 (LI-GDZ)	Commercial within Broadway Overlay Zone, Zone 4 (C-BOZ-4)	Light Industrial with Gateway Development Zone, Zone 1 (LI-GDZ)	Light Industrial with Gateway Development Zone, Zone 2 (LI-GDZ)
Land Use	Commercial	Commercial	Commercial	Vacant

Property Owner Notification as of June 4, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
9				

City Department Notifications:

Airport:	No Objection
Building Division:	No Objection
Fire Chief:	No Objection
Fire Marshal:	No Objection
Police Department:	No Objection
Public Works:	No Objection

ANALYSIS

The applicant is seeking a variance to install five (5) flat signs (building mounted signs) projecting above the roof line within the Gateway Development Zone 1 (GDZ-1) overlay zoning district, also known as the Justice Center District.

Section 29-105 (c)(c)(1) of the Zoning Standards states the following regarding flat signs (building mounted signs):

Building mounted signs shall not project above the roof line of the habitable portion of the building and cannot be attached to a parapet or other architectural feature that extends above the roof line of the building. Roof mounted signs are prohibited.

Applicant's Justification

"Can't get national tenants w/o sign."

CONDITIONS FOR A VARIANCE

The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - i. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
 - c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - ii. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (*e.g.*, if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

APPEAL FROM DECISION OF BOARD

In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

“A” – Aerial Map

“B” – Site Plan

“C” – Applicant’s Submittal

S:\Planning\Planning Division\ZBA\14ZBA\14Z-11 STF.doc



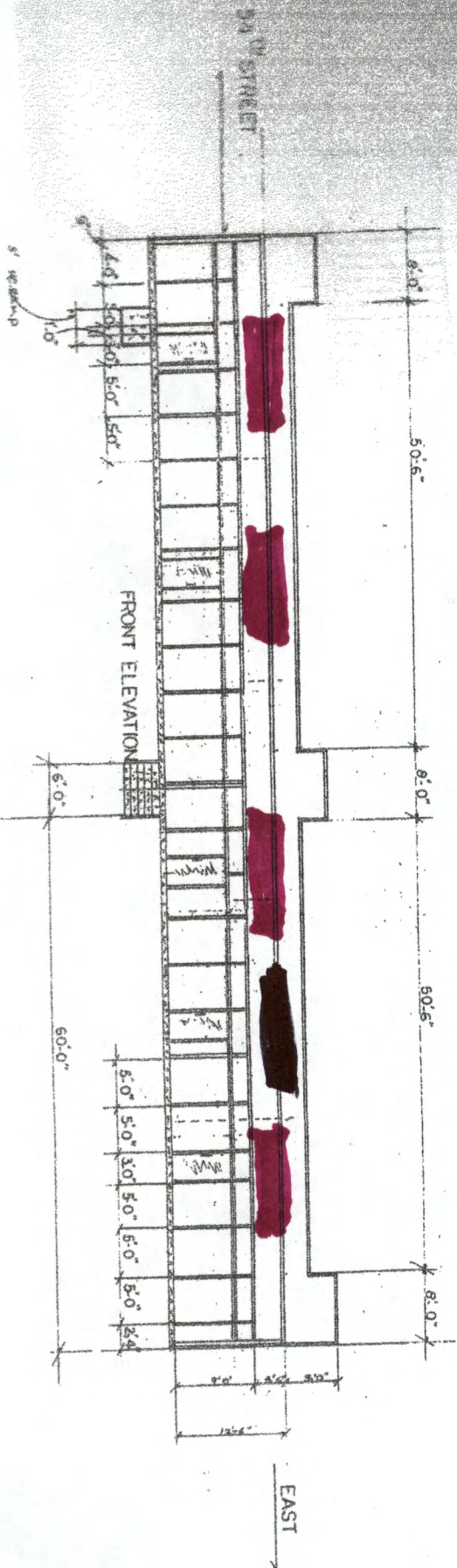
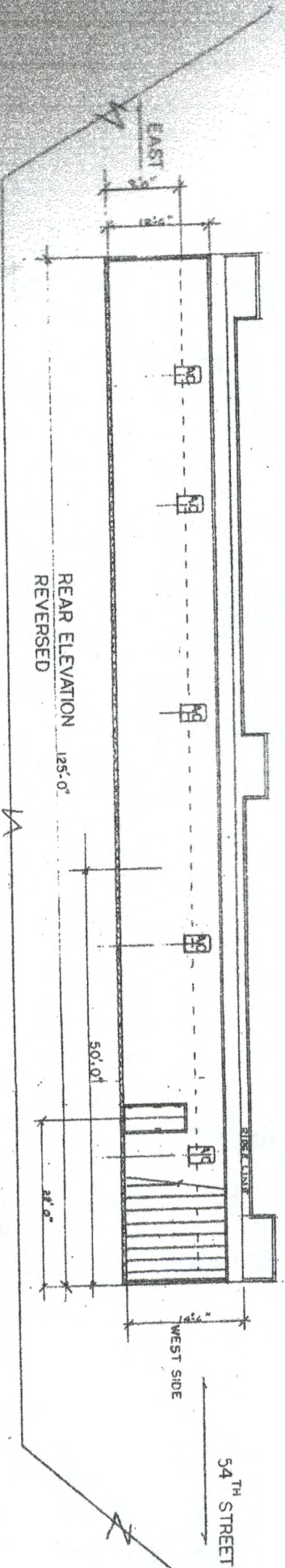
Subject Location

14Z-11 (5316 Broadway / Ave J)

Map prepared by the Department of Planning and Community Development (montalvanadr) - 5/13/2014
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.
 It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

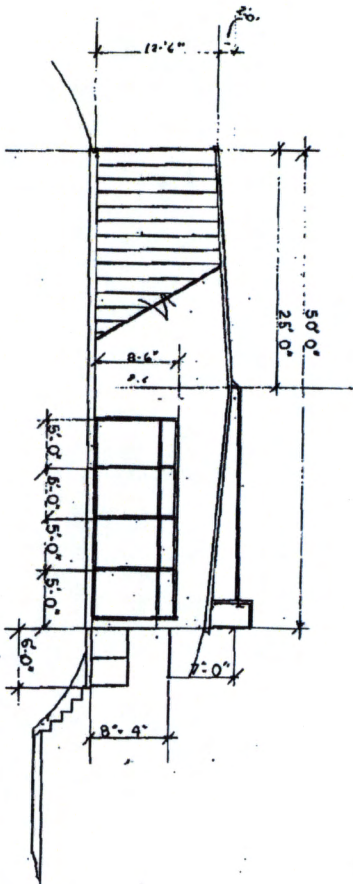
0 125 250 500 Feet

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding

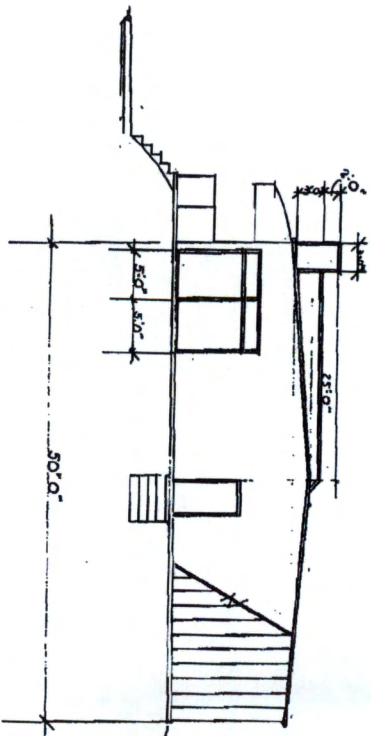


BROADWAY AVE.

WEST SIDE ELEVATION



EAST SIDE ELEVATION

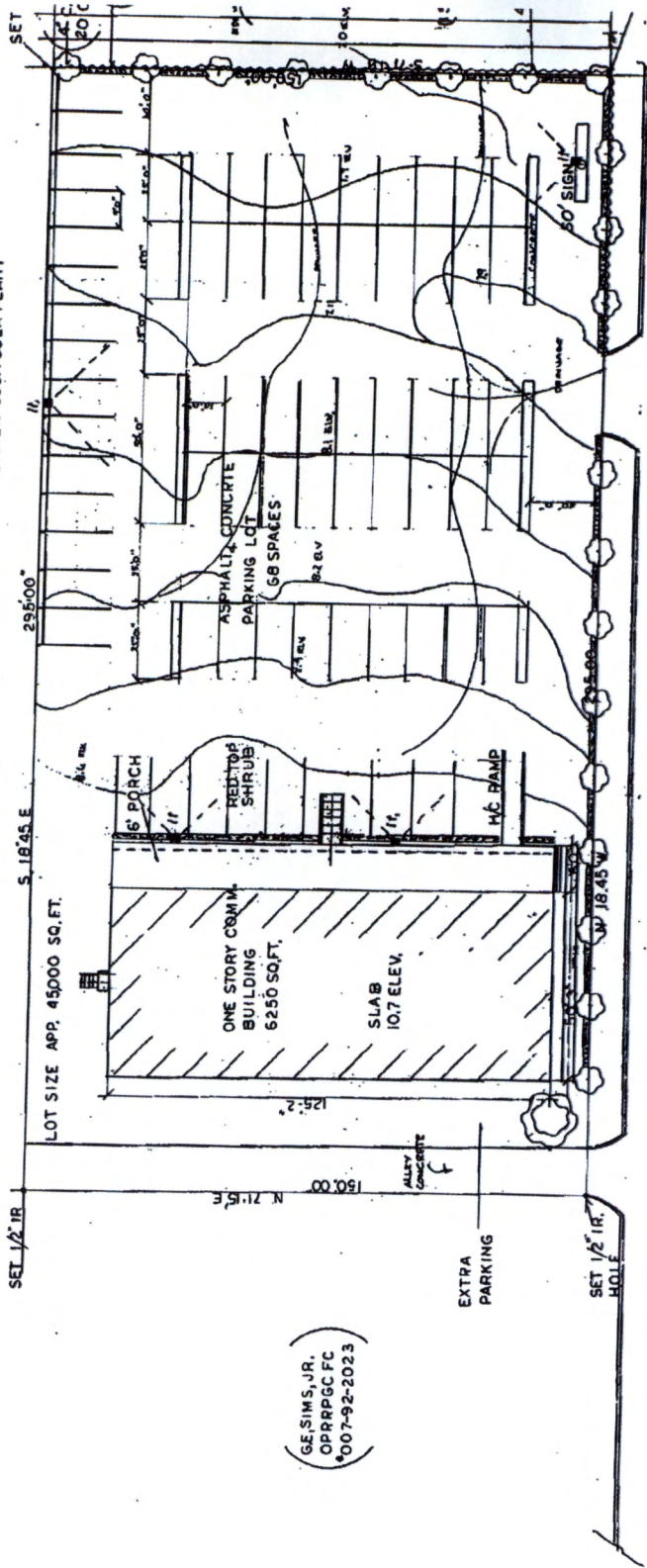


R. J. RAY
 ARCHITECT
 CONSULTANT
 2001 WASHINGTON
 ARLINGTON, VA 22204
 703/444-4444

GALVE
 3/16 E
 SCALE
 1/8" = 1'

(S. RODRIGUEZ
OPRPGC, FC.
007-92-2023)

WAREHOUSE BUILDINGS
FORMER COCA COLA PLANT



(GE. SIMS, JR.
OPRPGC FC.
007-92-2023)

54 TH. ST.
(60' R.O.W.)

outside lighting =

EXPANDED PLAT PLAN
~ LANDSCAPE DETAIL
PARKING ~ DRAINAGE

NEW CITY COUNTY BUILDINGS.

SALV	JUDN
SCAL	1/25
531E	6AL

REPLACEMENT
CONSULTANT
2501 MASSAULT ST.
BOSTON, MA 02112
TEL: 617-452-1234

ALLEY

DUMPSTER
AREA

125'-2"

18'-0"

24'-6"

38'-4"

25'-0"

25'-0"

25'-0"

25'-0"

25'-0"

25'-0"

25'-0"

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54TH STREET

PROPOSED
SIDE WALK

1250 SQ. FT.

FUTURE
NON BEARING, DEMISING INSIDE WALLS
TO BE 2 HR. MFR. CODE, FLOOR TO ROOF 2 LAYER
METAL STUDS.

counter mop sink
optional

HC RAMP

PARKING

FLOOR PLAN

BROADWAY

REVISEI

GALVESTON FC	
5316 BROAD W.	
SCALE	1/8" = 1'
JOHN JUDY	

MEMORANDUM

TO: William Clement, Chair and Board Members
Galveston Zoning Board of Adjustment

FROM: Catherine Gorman, Assistant Director/HPO
Planning Department

DATE: May 28, 2014

RE: **14Z-12 (1622 Ave D/Market) Request to appeal the City of Galveston Landmark Commission's decision regarding case 14LC-14** Request for a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementitious Fiberboard siding, commonly known as Hardiplank. Property is legally described as East ½ of Lot 13 (13-2) Block 556 Galveston, in the City and County of Galveston, Texas.
Applicant and Owner: David Mullican

The Galveston Landmark Commission, at their meeting of May 19, 2014, voted to deny the request regarding a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementitious Fiberboard siding, commonly known as Hardiplank. The applicant is appealing the Landmark Commission's Decision.

Please refer to Attachment "B" for the original staff report and related attachments, as well as Attachment "C" for the action letter sent to the applicant.

Per Section 29-80(h) of the Galveston Zoning Standards, the Landmark Commission is required to base decisions on the following conditions:

(4) Review and decision by Landmark Commission; Appeals

(a) Review Process

(2) In determining whether to approve or disapprove the application, the commission shall consider applicable design guidelines.

The *Design Standards for Historic Properties* are the current set of guidelines the Landmark Commission must use to base its decisions on requests before the body. The attached staff report references sections of the *Design Standards* that are applicable to the subject case. If the proposed work will have an adverse impact, the Landmark Commission must deny the application in accordance with the following portion of Section 29-80(h)(4) of the Zoning Standards for the City of Galveston:

(b) Decision

(3) The Commission shall deny the application if there is a final decision by the Commission that the proposed work will have an adverse effect on:

- (a) The external architectural features of the historic landmark;*
- (b) The external architectural features of the properties in the block or in the historic district as a whole; or,*
- (c) The future preservation, maintenance or use of the historic landmark or of the historic district.*

Per Section 29-80, the applicant, if aggrieved by the Commission's decision, may appeal the Commission's decision to the Zoning Board of Adjustment. The applicant submitted a letter to the Historic Preservation Officer within ten (10) days of the Landmark Commission decision stating the intention to appeal. Please note that judicial review of the decision of the Zoning Board of Adjustment shall be in accordance with the Texas Local Government Code.

Attachments

- "A" – Applicant's Submittal
- "B" – Staff Report for 14LC-14, including attachments
- "C" – Action letter for 14LC-14, dated May 21, 2014
- "D" – Transcribed minutes for the May 19, 2014, Landmark Commission meeting

\\fs1.ch.galveston.city\SharedFolders\Planning\Planning Division\ZBA\Staff Reports\14zba\14Z-12\14Z-12 Memo.docx

Letter to Zoning Board of Adjustments

BIO

My qualifications to speak as an expert on Historic Architectural Preservation:

- Special Studies at the Preservation Institute of Nantucket (PIN)
- Bachelor of Architecture
- Master of Architecture Degree, specialization for Architecture in a Harsh Environment
- 29 years experience in restoration of historic structures (since 1985)

INTRODUCTION

An architect is entrusted to preserve and protect a client's structure. The single biggest issue in any environment but especially in Galveston is water penetration through the building envelope.

THE SIDING

The most common horizontal lap siding currently in use on Galveston is called Hardie Lap Siding. Hardie Siding has been used with amazing success all over the country especially in Galveston. Hardie was objected to by historic districts primarily because it was not thick enough and had prominent stamped wood grain pattern. Both of those objections have been resolved. The specific Hardie product that perfectly replicates historic wood siding is called "Artisan". It is a smooth 5/8"x 6" exposure lap siding that looks exactly like wood when painted. The exception is that paint does not peel off Hardie after a few years. It can be seen in BeachTown on the far East end next to Appfel Park. My Garage apartment in my backyard was built with Hardie and painted 10 years ago. It went through hurricane Ike (got wet) and still looks great today without any repainting.

David Mullican is appealing to the Zoning Board because the Landmark commission ignored the option to use an alternate material if it meets all the following criteria for the Landmark guidelines:

“Alternative materials may be considered by the Landmark Commission on a case-by-case basis as replacement materials or for use on a new addition or new building in a historic district. The Commission will consider factors including:

Potential Impact on Historic Significance. Removing original material diminishes the integrity of a historic property by reducing the percentage of building fabric that remains from the period of historic significance. Retaining the original material is always preferred. If this is not feasible, alternative materials may be considered. When used, an alternative material should convey the character, including detail and finish, of the original to the greatest extent feasible.

Durability. An alternative material should have proven durability in similar applications. While some new materials are very sturdy, others may degrade quickly and can be difficult to repair.

Appearance. An alternative material should have a similar profile, texture and finish as the original material. Some synthetic siding has an exaggerated, rusticated finish that is an inaccurate representation of original clapboard, and many vinyl products have a sheen that is out of character with that of painted wood and metal.

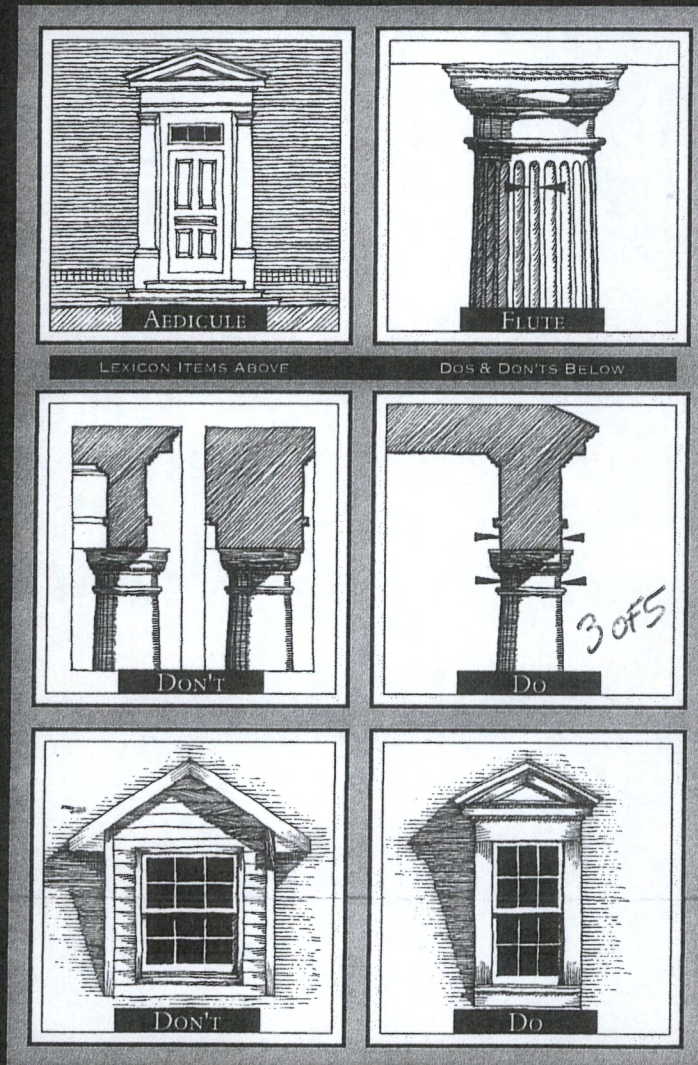
Location. Up close, it is easier to identify some alternative materials due to differences in texture, finish and feel. Tapping on a hollow plastic column or fence does not convey the same experience as the original. For this reason, locations that are more remote are better. Similarly, use of alternative materials is more appropriate on non-primary façades.”

David Mullican’s proposal meets all the requirements listed above to allow replacement with Artisan Hardie Lap siding except on the front façade. There can only be one primary façade unless it is on a corner and it is not. **So David Mullican is willing to withdraw his request to replace the wood siding on the street facade with Hardie and replace only the wood siding on the two sides, east and west with Hardie.**

David Mullican, Architect
1622 Market Street
Galveston, Texas 77550
Cell (409)-457-6783
www.davidmullican-architect.com

TRADITIONAL CONSTRUCTION PATTERNS

DESIGN & DETAIL RULES OF THUMB



STEPHEN A. MOUZON

with

SUSAN M. HENDERSON

Foreword by

ANDRÉS M. DUANY

9 SIDING MATERIALS

THERE ARE A NUMBER OF SIDING MATERIALS AVAILABLE TODAY, AND THEY RANGE ALL OVER THE COST/BENEFIT MAP. SOME OF THEM ARE AS FOLLOWS:

LOWLAND CYPRESS

Lowland cypress is called one of the "eternal woods" because of its rot resistance. The others are redwood and cedar. Lowland cypress is the most rot-resistant of the three. Cypress logs sometimes lay half submerged for centuries without rotting. Upland cypress is available in some areas, but it has no more rot resistance than pine, so it should be avoided. Lowland cypress was once extremely expensive because it grows in swamps and is therefore very difficult to harvest. Recently, however, lumber companies have discovered that they can airlift cypress trees out with helicopters, greatly reducing the cost of the material. The lumber companies often harvest just the dead trees, eliminating the need to cut trees in a difficult wetland setting. Lowland cypress is without doubt the best material for exterior siding, trim, windows, and doors.

REDWOOD

Redwood is next on the longevity scale. Unfortunately, it is softer and in many cases is becoming more expensive than lowland cypress. There are also concerns about cutting in old-growth redwood forests in the northwestern United States that may limit the availability of this wood in the future.

CEDAR

Cedar is the softest of the "eternal woods." It is also the least expensive. Unfortunately, its longevity can vary. In some instances cedar siding has deteriorated in as little as a decade in certain areas of the United States. Cedar should be used only when a better material is clearly beyond the budget of a job.

CEMENTITIOUS SIDING

Cementitious siding is a fiber-reinforced cement-based product that should be the first choice of siding materials on any project where cypress is not economically feasible. Cementitious siding cuts as wood, nails as wood, paints as wood, looks like wood does, but doesn't peel like wood does. If you have ever tried to remove paint from concrete, you will understand how well paint sticks to cementitious siding. It is not one of the mythical "maintenance-free materials," but it needs to be repainted much less often than wood of any type. It is quite economical and is indiscernible from rabbeted beveled siding, even at arm's length from the wall. The manufacturer of the most popular cementitious siding product, Hardi-Plank, now has a $\frac{3}{4}$ " thick trim material on the market that may replace wood trim in widths from $1\frac{1}{2}$ " (IX2) to $11\frac{1}{4}$ " (IX12), although the edges currently are a bit rough.

Correspondence with Steve Mouzon

Hi Steve

I need your help. Is there any argument for having Hardie siding as an equivalent substitute for wood siding? I need to replace much of the 128 year old wood siding on my house and do not want to use wood. I had replaced some wood 20 years ago and it only lasted 10 years. I then patched it with Hardie and it is hard to tell where. If you can refer me to any articles that are pro Hardie from someone like yourself or another Traditional construction specialist it would be a great help.

Sincerely,

David Mullican

Thanks, David!

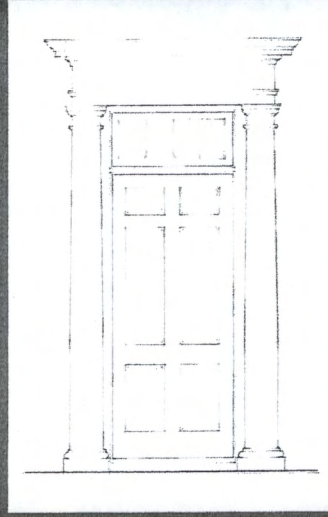
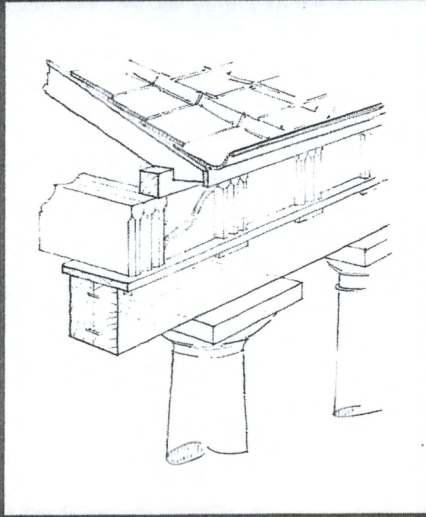
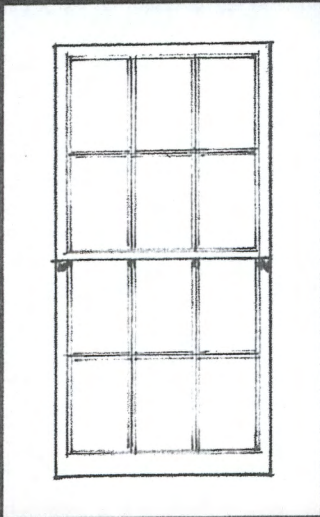
Actually, if memory serves me correctly, I wrote about Hardi in Traditional Construction Patterns, laying out when it's OK. Basically, it needs to pass the test of the Arm's Length Rule... and it does, if you have the smooth side out. Specifically, it is indiscernible from rabbeted beveled siding.

Steve Muzon

Get Your House Right

4 of 5

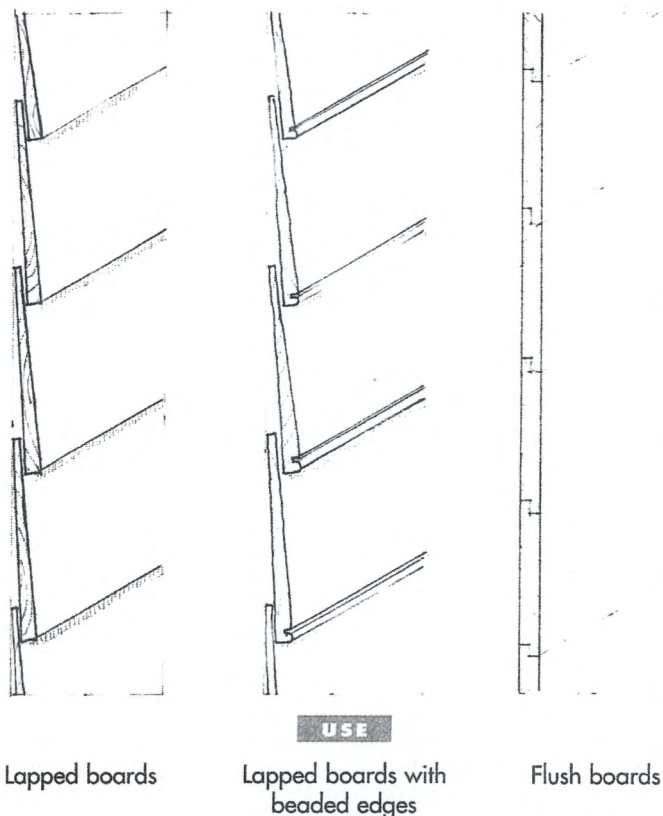
Architectural Elements to Use & Avoid



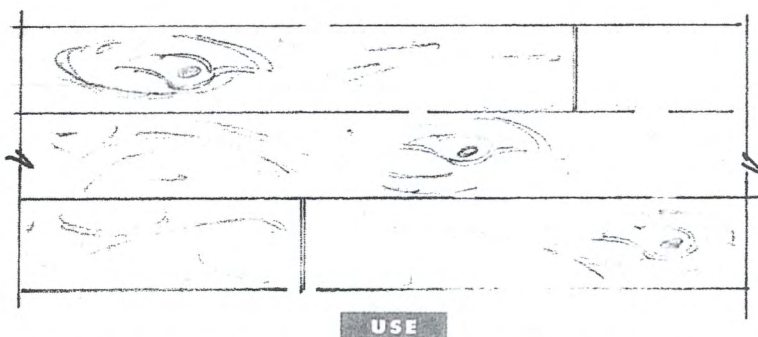
MARIANNE CUSATO
& BEN PENTREATH
with Richard Sammons
& Leon Krier

Foreword by
H.R.H. The Prince of Wales

13.2 Types of Siding to Use



13.3 Cement Board Siding



Cement board siding is a low-maintenance material with the traditional look of wood. It is rot-, flame-, and termite-resistant as well as hurricane-rated.

WOOD

During the seventeenth and eighteenth centuries, American builders formed the basic language of wooden construction that has remained the touchstone for many traditional developments today. In the nineteenth century, they became ever more inventive in the use of wood, as seen in the fantastic Victorian "Painted Ladies" or Carpenter Gothic styles. Wooden construction sets few limits to the imagination of the house designer and builder.

In a heavily forested country settled rapidly by large numbers of people requiring immediate shelter, wood was the obvious choice of material, and it has remained so ever since. Today we have to deal with fast-grown wood, which is not as good a material as the slow-growth wood the settlers found in North America's virgin forests.

In many southern states, installing exposed new wood on a house is an invitation for trouble. Even with maintenance, this wood may rot away after a few years. The challenge in these markets is knowing which alternative materials to use and detailing them in a manner that looks traditional.

Siding

Wood siding, or clapboard, uses lapped boards nailed to plywood sheathing (or, even better, to battens) to protect the walls. A typical lap is between 4" and 6". Figure 13.2 shows three typical types of siding: lapped boards, lapped boards with beaded edges, and flush boards.

Painted wood siding works in northern climates, but is not ideal for more humid southern climates. The best alternative to wood in all climates is cement board siding, which, although thinner than wood, is similar in appearance. Cement board siding is the perfect low-maintenance material: not only is it rot-, flame-, and termite-resistant, it is also hurricane-rated. Do not use vinyl siding in traditional construction; it will never appear convincing.

ENTRÉE - FRONT

1036

REPLACE EXISTING
DOOR & TRANSOM

EXISTING COLUMNS
TO BE CORRECTED TO REMAIN

REPLACE RISERS
TREADS, & RAIL
ADD SUPPORTS TO
STAIR STRINGERS

REMOVE ALL EXISTING
SHINGLES DOWN TO
1-1/2 SHEATHING.

REPLACE: 1800 FAXMACHINES
ALL SIZES.

COMP. SHINGLES OVER
5/8" PLYWOOD LPK.
#15 BLDG. FELT.

ADD OPEN SHUTTERS...
TO FRONT AND OPENING...

RE MOVE EXISTING WINDOWS
AND REPLACE W/ FRENCH DOORS
W/ TRANSOMS ABOVE

South

FRONT ELEVATION

HL-20N

REAR ELEVATION

1912
ADP
now

1082

LINE OF

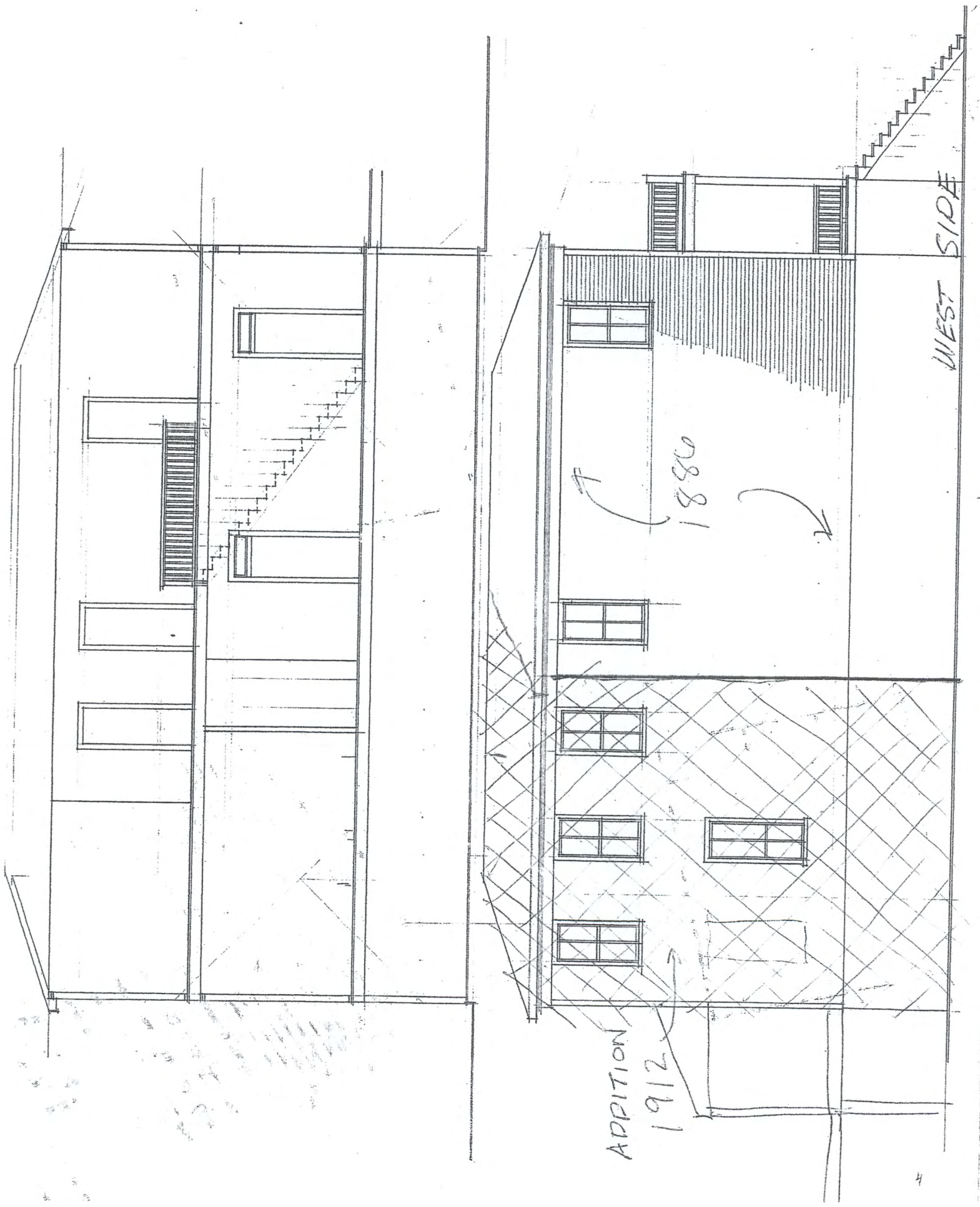
—

REMOVE EXISTING
WINDOWS & EXTERIOR
TRIM TO REMAIN.
INSTALL SUB FRAME
& COVER W/ PTG. BLK.
PLYND. SHUTTER

15-5-1

~~LEFT SIDE ELEVATION~~

NO. 100
PAGE
FILL



14LC-14 (1622 Market/Avenue D) Request for a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementitious Fiberboard siding, commonly known as Hardiplank. Property is legally described as East 1/2 of Lot 13 (13-2), Block 556, in the City and County of Galveston, Texas.

Applicant and Property Owner: David Mullican

Case Manager: Catherine Gorman, AICP, Assistant Director/HPO

Existing Zoning and Land Use:

Zoning	One Family-Four Dwelling, Historic District (1F-4-H)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Multiple Family-Two Dwelling, Historic District (MF-2-H)	One Family-Four Dwelling, Historic District (1F-4-H)	One Family-Four Dwelling, Historic District (1F-4-H)	One Family-Four Dwelling, Historic District (1F-4-H)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of May 19, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
6	0 <i>3 returned in favor on previous case (14LC-13)</i>			

HISTORICAL AND/OR ARCHITECTURAL SIGNIFICANCE

1994 Galveston Residential Historic District Survey - The City's historic district survey includes the following information:

Date: 1886

Style: Raised Double Gallery Side Hall

Condition: Good

Alterations: None to minor

Evaluation: "Contributing" – Contributes to the historical significance of the district through location, design, setting, materials, workmanship, feeling, and/or association.

Comments: Restored 1993

BACKGROUND

On May 5, 2014, the Landmark Commission approved the replacement of wood siding with Cementious Fiberboard on the 1912 portion of the house. Due to the fact that there was an issue with the Commission receiving the attachments, the applicant has asked that the Commission reconsider the request for replacement on the 1886 portion of the house.

ANALYSIS

The applicant is requesting a Certificate of Appropriateness for replacement of wood siding and trim with Cementious Fiberboard siding, commonly known as Hardiplank. The replacement is requested on the east, south and west facades, which are the front and side facades.

The house has previously had siding replacements and not all portions are original. The house consists of two sections – the original house that dates from 1886 and a 1912 addition. The 1886 portion has all original siding. The 1912 addition has been replaced by the applicant twice with wood siding and does not contain original siding. As noted in the Background section, the 1912 portion of the house has been approved for Cementious Fiberboard.

The applicant is proposing to use the Artisan Lap siding line by the James Hardie Company. Artisan Lap siding is thicker than the standard Hardiplank siding (5/8" thickness compared to 5/16" thickness) and has a more deeply defined shadow line.

The *2012 Design Standards for Historic Properties* state the following regarding materials:

Materials

An alternative material is one which is different from that used originally for a specific application. Such materials may also be called "substitute", "replacement", "synthetic" or "imitation" materials, and can include:

- Vinyl siding or fencing
- PVC decking or fencing
- Aluminum siding
- HardiePlank siding
- Cementious fiber siding
- Spray-on coatings
- Synthetic stucco
- Panelized brick
- Other non-original materials

Substitute materials may also include materials used to replace historic architectural features such as a resin cast cornice used in place of a stamped metal cornice. In other cases, an alternative material may be traditional when used for other applications, but new for the particular detail being considered. Using wood to replace an original stamped-metal cornice is an example.

Alternative materials may be considered by the Landmark Commission on a case-by-case basis as replacement materials or for use on a new addition or new building in a historic district. The Commission will consider factors including:

Potential Impact on Historic Significance. Removing original material diminishes the integrity of a historic property by reducing the percentage of

building fabric that remains from the period of historic significance. Retaining the original material is always preferred. If this is not feasible, alternative materials may be considered. When used, an alternative material should convey the character, including detail and finish, of the original to the greatest extent feasible.

Durability. An alternative material should have proven durability in similar applications. While some new materials are very sturdy, others may degrade quickly and can be difficult to repair.

Appearance. An alternative material should have a similar profile, texture and finish as the original material. Some synthetic siding has an exaggerated, rusticated finish that is an inaccurate representation of original clapboard, and many vinyl products have a sheen that is out of character with that of painted wood and metal.

Location. Up close, it is easier to identify some alternative materials due to differences in texture, finish and feel. Tapping on a hollow plastic column or fence does not convey the same experience as the original. For this reason, locations that are more remote are better. Similarly, use of alternative materials is more appropriate on non-primary façades. See "Locating Façade Improvements" on page 29 for more information.

Cost. Some alternative materials are promoted because their initial costs appear to be less than repairing or replacing the original. When the other qualities of appearance and durability are proven, then the less expensive option may be appropriate. However, long-term, "life cycle" costs should also be weighed. Sometimes, the up-front saving is deceptive.

Environmental Impacts. The potential environmental impacts of alternative materials should also be considered including impacts associated with manufacture, transport, installation and ability to recycle.

Interaction with Historic Building Materials. Some alternative materials may interact negatively with historic materials. For example, some metals may corrode and stain original materials and some window and siding materials may expand and contract with temperature changes in ways that degrade weather-protection properties.

CONFORMANCE WITH THE DESIGN STANDARDS

Staff finds that the request does not conform to the Design Standards. There is a negative "Potential Impact on Historic Significance" because the siding to be replaced is of historic age. Rather than a wholesale replacement with an alternative material, Staff recommend that the damaged siding be replaced with wood siding. Staff recommends the use of historic age siding, if available.

STAFF RECOMMENDATION

Due to non-conformance with the Design Standards, Staff recommends the request be denied.

If the Commission finds the request conforms to the Design Standards, the following conditions may be appropriate:

Specific Conditions:

1. The work shall conform to the design, materials and placement presented in Attachment "C";

Standard conditions:

2. All renovations to the subject structure shall be in keeping with the *Design Standards for Historic Properties in Galveston* and shall not alter the original design of the structure, unless first approved by the Landmark Commission. Any alteration from the design approved by the Landmark Commission, shall require the request to be returned to the Commission for review;
3. A building permit must be obtained prior to construction. Photographs of the existing building façades must be submitted in conjunction with the building permit request;
4. Any additional work will require a separate building permit from the Building Department, and may require review by the Landmark Commission and/or the City's Historic Preservation Officer prior to construction;
5. Construction must start within six (6) months of Landmark Commission approval and be completed within one (1) year of building permit approval; and,
6. In accordance with Section 29-80 of the Zoning Standards, should the applicant be aggrieved by the decision of the Landmark Commission, a letter requesting an appeal must be submitted to the Historic Preservation Officer within 10 days of the Commission decision. Additionally, a Zoning Board of Adjustment application must be submitted to the Department of Planning and Community Development by the next respective deadline date.

ATTACHMENTS

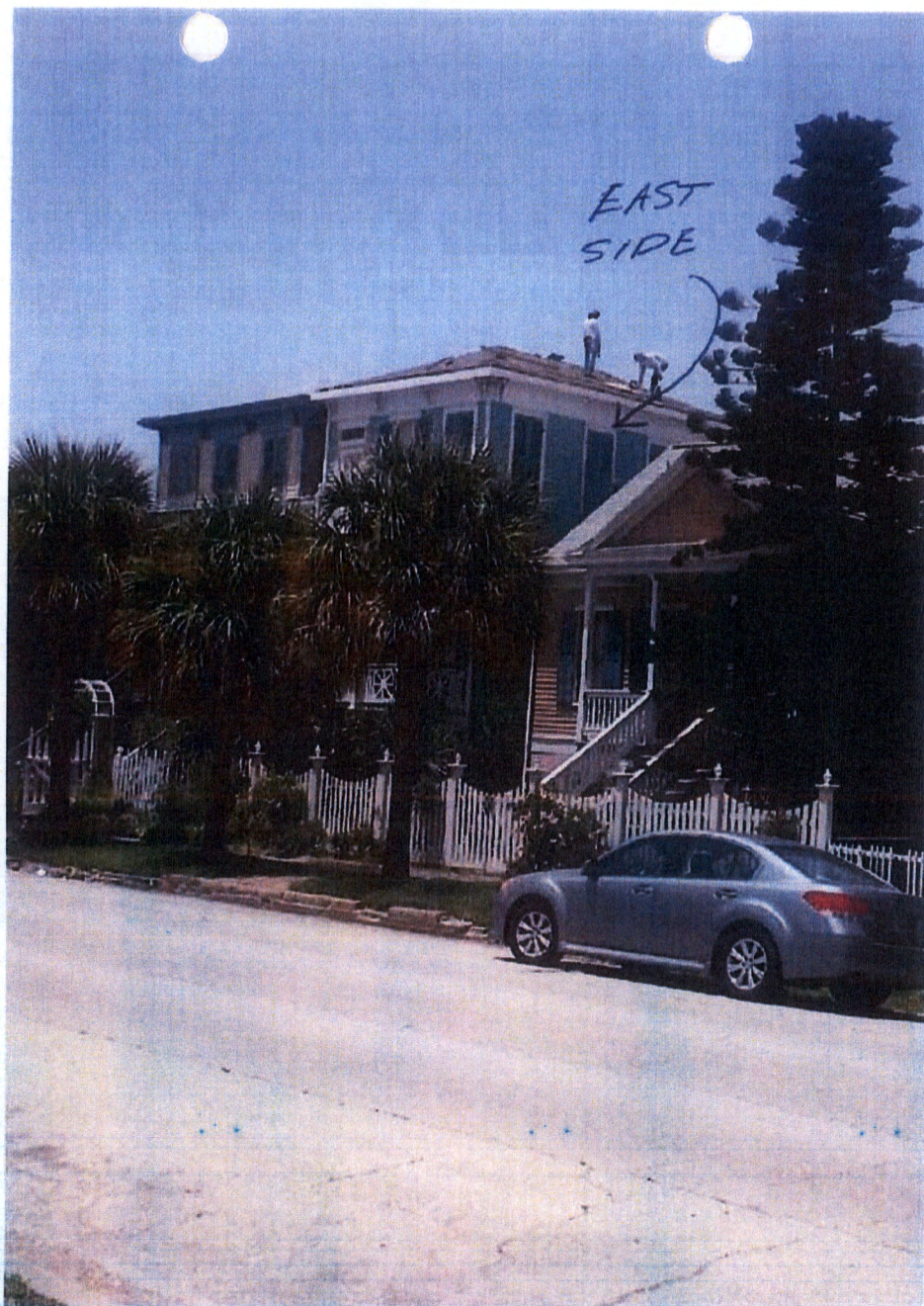
"A" – Aerial

"B" – Photographs

"C" – Applicant's Narrative







Letter to Landmark Commission

BIO

My qualifications to speak as an expert on Historic Architectural Preservation:

- Special Studies at the Preservation Institute of Nantucket (PIN)
- Bachelor of Architecture
- Master of Architecture Degree, specialization for Architecture in a Harsh Environment
- 29 years experience in restoration of historic structures (since 1985)

INTRODUCTION

An architect is entrusted to preserve and protect a client's structure. The single biggest issue in any environment but especially in Galveston is water penetration through the building envelope.

THE ROOF

The primary way in which water penetrates the building is through the roof. Since for some reason in the historic district we are not restricted to original historic materials like metal, slate and wood shake it is not my main subject of concern. For some reason a totally alien material called composition shingles is allowed. This is an ugly material on any project. As a society we have become blind to it. This material is durable but is a poor visual imitation of wood shake.

THE SIDING

The most common horizontal lap siding currently in use on Galveston is called Hardie Lap Siding. Hardie Siding has been used with amazing success all over the country especially in Galveston. Hardie was objected to by historic districts primarily because it was not thick enough and had prominent stamped wood grain pattern. Both of those objections have been resolved. The specific Hardie product that perfectly replicates historic wood siding is called "Artisan". It is a smooth 5/8"x 6" exposure lap siding that looks exactly like wood when painted. The exception is that paint does not peel off Hardie after a few years. It can be seen in BeachTown on the far East end next to Apffel Park. My Garage apartment in my backyard was built with Hardie and painted 10 years ago. It went through hurricane Ike (got wet) and still looks great today without any repainting.

MATERIAL SIMILARITY

There is no getting around the fact that modern wood products are inferior to their historic roots. This is especially evident in wood products exposed to the weather. Modern wood siding is much more porous and weaker than the historic siding. Modern wood siding has 1/10th the life cycle of historic siding. Yes 10 years verses 100 years. With this single issue the Landmark Commission by mandating modern wood siding will eventually doom the historic districts. Homeowners will never be able to keep up with maintenance cost if 20 to 40 thousand dollars is paid out every 10 years for just paint and siding replacement. This is on top of other maintenance items, insurances and mortgages. Regular Hardie is equal in cost to wood. Artisan Hardie is double the cost of wood but meets the visual test of looking exactly like historic siding.

HISTORY

My home was built in 1886 with a rear addition in 1912. When I purchased the home in 1992 the wood siding on the rear addition was completely rotted. Even then the 1912 wood siding rotted faster than the 1886 wood siding. At the time of my purchase, the older 1886 siding still had some life left. My research showed that the original siding was Cypress. So I purchased Cypress siding from Louisiana. However, 10 years later in 2002 the modern Cypress had completely failed and had to be replaced. Fortunately, I was allowed to put Hardie siding on part of that 1912 addition since it was in the back and on the side. The remaining wood siding on my home has expired and waterproofing is by paint alone. Window sills are rotted and some exist as Bondo only.

SUSTAINABILITY INTO AN UNCERTAIN FUTURE

Certainly we all can see Galveston 10 years from now but it is difficult to envision Galveston in 100 years. As an architect it is important to design with the best time tested materials available. My goal is to preserve the historic character for future generations. We are not Williamsburg. Williamsburg is replete with craftsmen, tools, techniques and especially unlimited money to be purist. I know because I was taught by the Director of Preservation at Williamsburg in 1979.

In the next 100 years Galveston is likely to go through another period where the historic architecture is neglected by elderly homeowners and absentee landlords with no maintenance budgets. Many of the unnecessary costs are due to substandard modern wood siding and un-insulated walls. Energy cost alone could kill the historic district's appeal. The least we should do now is allow architecturally correct cementitious siding to be installed when historic siding expires. The patch and piecemeal approach should not be the norm, but it is. The historic home must survive as it has by sustainability not just our current ephemeral romantic notions. We must prepare our historic homes for the next wave of indifference.

QUALITIES OF HARDIE ARTISAN LAP SIDING

- Visually and architecturally correct
- Low maintenance
- Long life
- Dimensionally stable (paint will not peel off)
- Fire resistant
- Impact resistant

Correspondence with Steve Mouzon

Hi Steve

I need your help. Is there any argument for having Hardie siding as an equivalent substitute for wood siding? I need to replace much of the 128 year old wood siding on my house and do not want to use wood. I had replaced some wood 20 years ago and it only lasted 10 years. I then patched it with Hardie and it is hard to tell where. If you can refer me to any articles that are pro Hardie from someone like yourself or another Traditional construction specialist it would be a great help.

Sincerely,

David Mullican

Thanks, David!

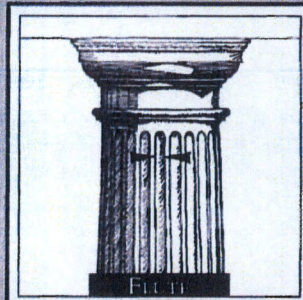
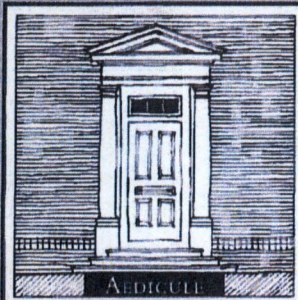
Actually, if memory serves me correctly, I wrote about Hardi in Traditional Construction Patterns, laying out when it's OK. Basically, it needs to pass the test of the Arm's Length Rule... and it does, if you have the smooth side out. Specifically, it is indiscernible from rabbeted beveled siding.

Steve Muzon

SEE
ATTACHED

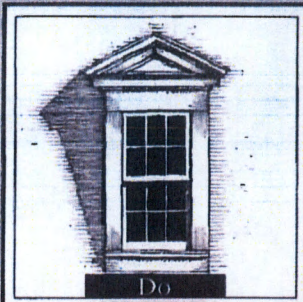
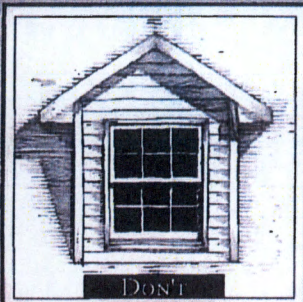
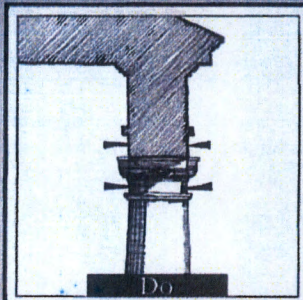
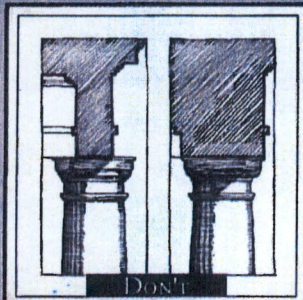
TRADITIONAL CONSTRUCTION PATTERNS

DESIGN & DETAIL RULES OF THUMB



LEXICON ITEMS ABOVE

DOS & DON'TS BELOW



STEPHEN A. MOUZON

with

SUSAN M. HENDERSON

Foreword by

ANDRÉS M. DUANY

WALLS

9 SIDING MATERIALS

THERE ARE A NUMBER OF SIDING MATERIALS AVAILABLE TODAY, AND THEY RANGE ALL OVER THE COST/BENEFIT MAP. SOME OF THEM ARE AS FOLLOWS:

LOWLAND CYPRESS

Lowland cypress is called one of the "eternal woods" because of its rot resistance. The others are redwood and cedar. Lowland cypress is the most rot-resistant of the three. Cypress logs sometimes lay half submerged for centuries without rotting. Upland cypress is available in some areas, but it has no more rot resistance than pine, so it should be avoided. Lowland cypress was once extremely expensive because it grows in swamps and is therefore very difficult to harvest. Recently, however, lumber companies have discovered that they can airlift cypress trees out with helicopters, greatly reducing the cost of the material. The lumber companies often harvest just the dead trees, eliminating the need to cut trees in a difficult wetland setting. Lowland cypress is without doubt the best material for exterior siding, trim, windows, and doors.

REDWOOD

Redwood is next on the longevity scale. Unfortunately, it is softer and in many cases is becoming more expensive than lowland cypress. There are also concerns about cutting in old-growth redwood forests in the northwestern United States that may limit the availability of this wood in the future.

CEDAR

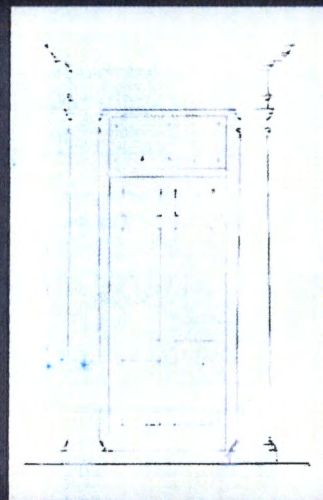
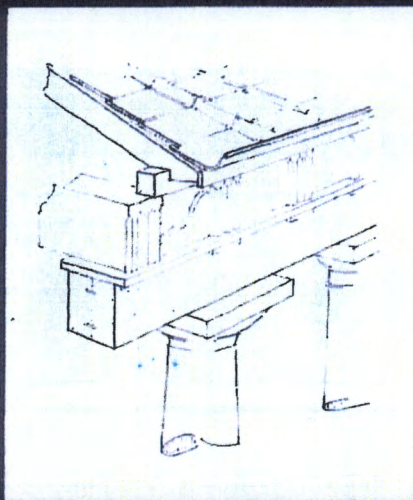
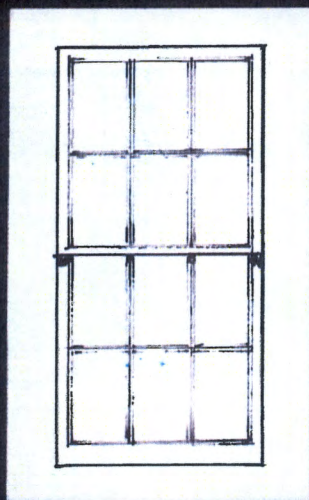
Cedar is the softest of the "eternal woods." It is also the least expensive. Unfortunately, its longevity can vary. In some instances cedar siding has deteriorated in as little as a decade in certain areas of the United States. Cedar should be used only when a better material is clearly beyond the budget of a job.

CEMENTITIOUS SIDING

Cementitious siding is a fiber-reinforced cement-based product that should be the first choice of siding materials on any project where cypress is not economically feasible. Cementitious siding cuts as wood, nails as wood, paints as wood, looks like wood does, but doesn't peel like wood does. If you have ever tried to remove paint from concrete, you will understand how well paint sticks to cementitious siding. It is not one of the mythical "maintenance-free materials," but it needs to be repainted much less often than wood of any type. It is quite economical and is indiscernible from rabbeted beveled siding, even at arm's length from the wall. The manufacturer of the most popular cementitious siding product, Hardi-Plank, now has a $\frac{3}{4}$ " thick trim material on the market that may replace wood trim in widths from $1\frac{1}{2}$ " (1X2) to $11\frac{1}{4}$ " (1X12), although the edges currently are a bit rough.

Get Your House Right

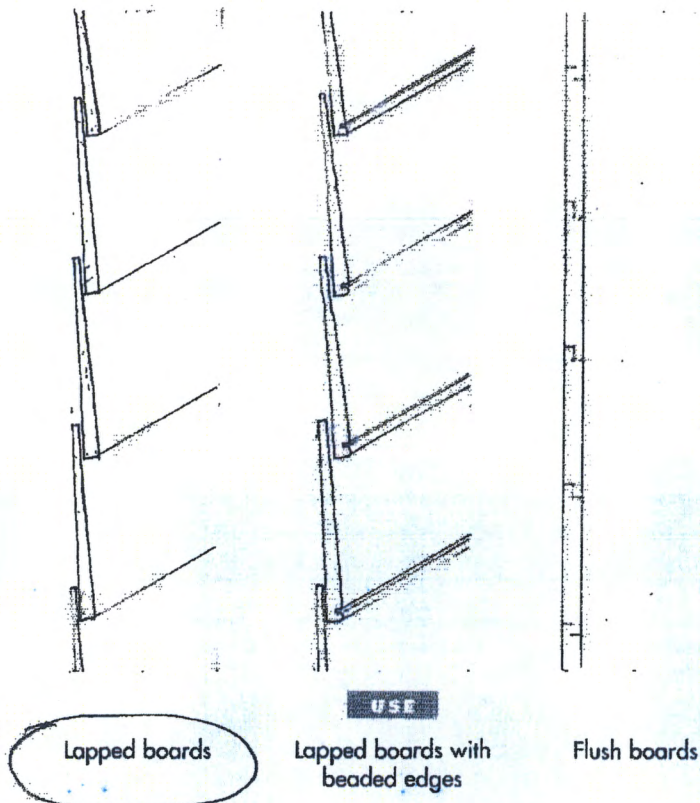
Architectural Elements to Use & Avoid



MARIANNE CUSATO
& BEN PENTREATH
with Richard Sammons
& Leon Krier

Foreword by
H.R.H. The Prince of Wales

13.2 Types of Siding to Use



WOOD

During the seventeenth and eighteenth centuries, American builders formed the basic language of wooden construction that has remained the touchstone for many traditional developments today. In the nineteenth century, they became ever more inventive in the use of wood, as seen in the fantastic Victorian "Painted Ladies" or Carpenter Gothic styles. Wooden construction sets few limits to the imagination of the house designer and builder.

In a heavily forested country settled rapidly by large numbers of people requiring immediate shelter, wood was the obvious choice of material, and it has remained so ever since. Today we have to deal with fast-grown wood, which is not as good a material as the slow-growth wood the settlers found in North America's virgin forests.

In many southern states, installing exposed new wood on a house is an invitation for trouble. Even with maintenance, this wood may rot away after a few years. The challenge in these markets is knowing which alternative materials to use and detailing them in a manner that looks traditional.

Siding

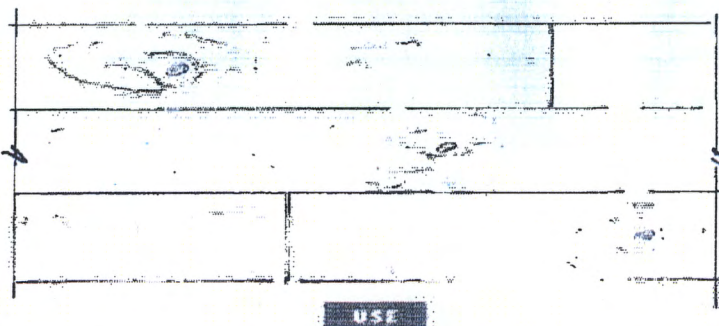
Wood siding, or clapboard, uses lapped boards nailed to plywood sheathing (or, even better, to battens) to protect the walls. A typical lap is between 4" and 6". Figure 13.2 shows three typical types of siding: lapped boards, lapped boards with beaded edges, and flush boards.

Painted wood siding works in northern climates, but is not ideal for more humid southern climates. The best alternative to wood in all climates is cement board siding, which, although thinner than wood, is similar in appearance. Cement board siding is the perfect low-maintenance material; not only is it rot-, flame-, and termite-resistant, it is also hurricane-rated. Do not use vinyl siding in traditional construction: it will never appear convincing.

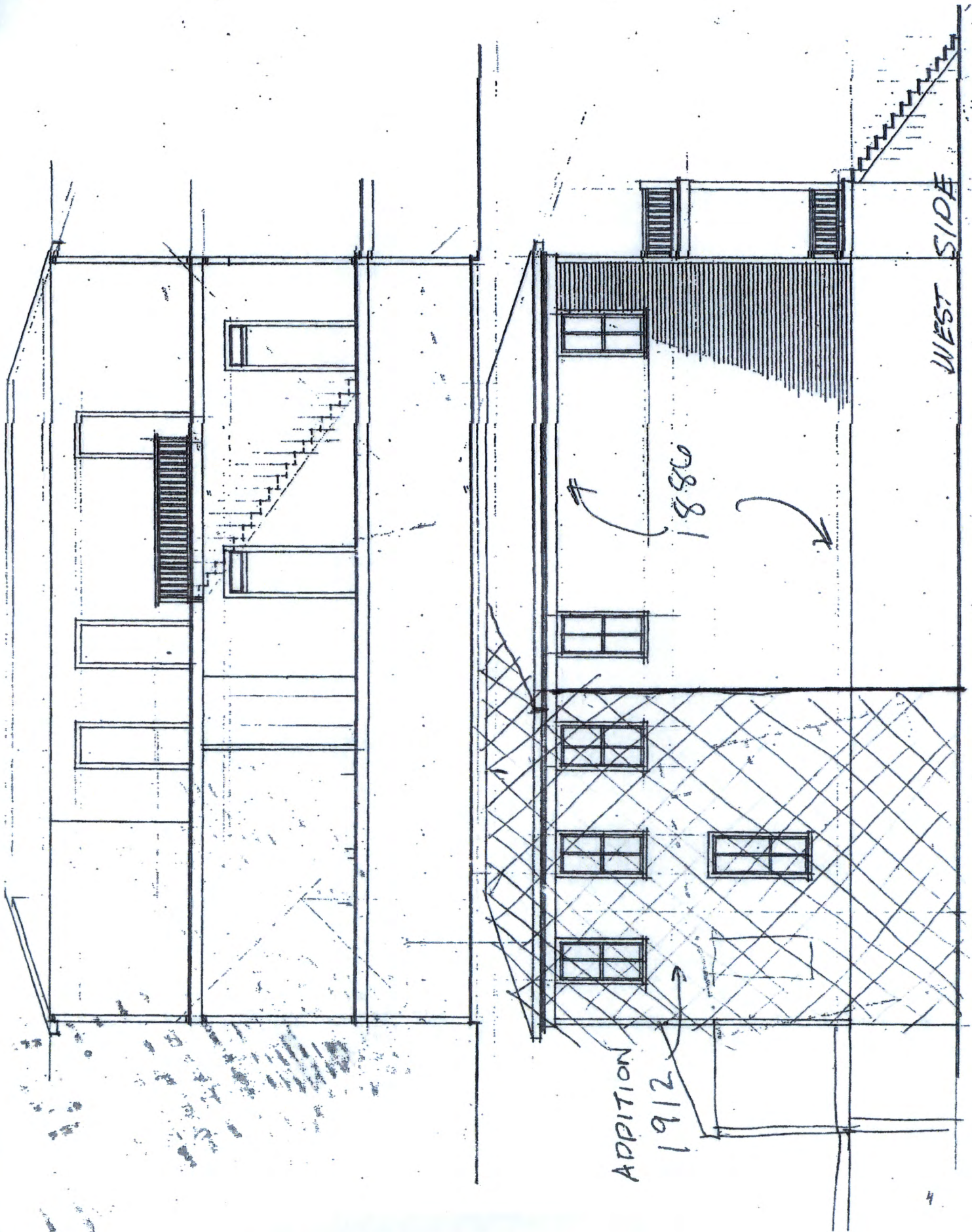
• ARTISAN HARDIE SIDING
SAME THICKNESS
NOW!

• 6" LAP & THKNSS TO
MATCH EXISTING

13.3 Cement Board Siding



Cement board siding is a low-maintenance material with the traditional look of wood. It is rot-, flame-, and termite-resistant as well as hurricane-rated.



ISLAND HOME INSPECTIONS

9219 Jamaica Beach, Galveston, Tx.

License# 9408 Ph# 409 789-5441

5/14/14

To whom it may concern:

I visited with David Mullican at his home, 1622 Market Street, on 5/13/14. He is in the process of repairing his home as well as a few other aged structures on his street. His desire is to remove the siding on the east side of the structure for the purpose of repairing some structural weakness, adding insulation, and replacing the siding with the new thicker profile Hardie siding which will almost be identical to the original siding in appearance.

Much of the original siding is damaged and removal of the rest would further damage more of it to the extent that it should be replaced. He said that his wishes were denied. Remember, the rear of the structure and the back 1/3 of the sides are already Hardie sided.

Common sense has to come into play when telling citizens what they can and can't do with their property. I would think that you would be appreciative of someone who is striving to improve and restore these properties. Maintaining a certain look is one thing, but control should be tempered with common sense.

I urge you to reconsider his permit request.

Respectfully,

Gene Montgomery

Submitted by applicant
5-19-14

ARAN & FRANKLIN
ENGINEERING INC.

FIRM REGISTRATION NO. F-4632
501 SOUTH NOBLE ROAD
TEXAS CITY, TX 77591

'REGISTERED WINDSTORM AND STRUCTURAL ENGINEERS SERVING THE GULF COAST'

May 19, 2014

David Mullican
1622 Market Street
Galveston, TX 77550

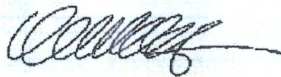
Re: 1622 Market Street
Galveston, TX

Subject: Compliance

The above referenced is a historic property, however the siding is deteriorating and it will need to be replaced. It would be my recommendation to replace all siding with a sustainable product such as James Hardie Artisan siding which can be installed and still maintain a historic appearance. The structural integrity of the building can also be checked at that time the siding is removed and any repairs that are needed can be performed.

If you have any questions, please contact our firm.

Sincerely,



Chandra Franklin Womack, P.E.



CHANDRA FRANKLIN WOMACK, P.E.
(409) 935-5200
(409) 935-5209 FAX

ROBERT J. DINJAR, E.I.T

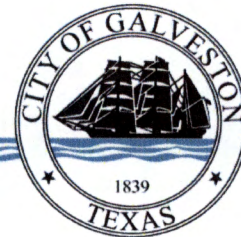
WWW.ARANFRANKLIN.COM

Planning Department

823 Rosenberg, Room 401
Galveston, Texas 77550

Phone (409) 797-3660
Fax (409) 797-3661

planningcounter@cityofgalveston.org



May 21, 2014

David Mullican
1622 Market St.
Galveston, TX 77550

Re: **14LC-14 (1622 Market/Avenue D)** Request for a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementious Fiberboard siding, commonly known as Hardiplank for the 186 portion of the house. Property is legally described as East 1/2 of Lot 13 (13-2), Block 556, in the City and County of Galveston, Texas
Applicant and Property Owner: David Mullican

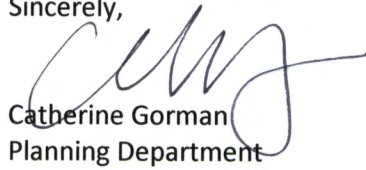
Dear Mr. Mullican:

The Galveston Landmark Commission, at their regular meeting of May 19, 2014, voted to deny the request regarding a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementious Fiberboard siding, commonly known as Hardiplank for the 186 portion of the house.

In accordance with Section 29-80 of the Zoning Standards, should the applicant be aggrieved by the decision of the Landmark Commission, a letter requesting an appeal must be submitted to the Historic Preservation Officer within 10 days of the Commission decision. Additionally, a Zoning Board of Adjustment application must be submitted to the Department of Planning and Community Development by the next respective deadline date.

We ask that you retain a copy of this letter for future reference. Please feel free to contact me at 409/797-3660, should you have any additional questions.

Sincerely,


Catherine Gorman
Planning Department

/ap

**Landmark Commission
Verbatim Minutes
May 19, 2014**

14LC-14 (1622 Market/Avenue D) Request for a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementitious Fiberboard siding, commonly known as Hardiplank for the 186 portion of the house. Property is legally described as East 1/2 of Lot 13 (13-2), Block 556, in the City and County of Galveston, Texas
Applicant and Property Owner: David Mullican

The Staff Report was read by staff.

Linda Strevell: Are there any questions for staff from the Commission?

Tom Schwenk: I just have one, and I'm missing it I'm sure, Attachment C? I see A?

Catherine Gorman: Attachment C is referring to what the applicant submitted. So it would be everything including the letter to the Landmark Commission and the following documentation.

Tom Schwenk: Alright, thank you.

Catherine Gorman: The applicant has also submitted two letters. One was e-mailed to you and a printout provided today. And an additional letter from Aran and Franklin which was handed out today.

Chris Smith: So, the only thing that we are talking about is the hardi siding?

Catherine Gorman: Yes, that is the request

Chris Smith: Okay. Has anybody looked at the drawings that were given to us last time?

Catherine Gorman: I'm sorry, I'm not sure I know what you're referring to.

Chris Smith: These that were given ... during. Replacing windows.

Catherine Gorman: That's an old set of drawings. The scope of work outlined on that is old. They were intended to show you were the areas were.

Chris Smith: Gottach. Okay.

Michael Culpepper: I have a question for either Catherine or Donna, whichever one would be pertinent. Is the reason we are seeing this in new business rather than old business because the applicant objected to us not having the materials beforehand?

Catherine Gorman: Well, there was definitely an issue with the materials and staff agreed with that. and the request did change because it was previously for the entire house and a portion of that was approved. This is consideration of the 1886 portion only.

Michael Culpepper: So it should be under new business?

Catherine Gorman: Yes.

Charlotte O'Rourke: Is it just a specific piece? Is it for just the east side or the 1886 portion of the house?

Catherine Gorman: The whole 1886 portion of the house.

Chris Smith: The letter from the Home inspectors only says east wall. Is that correct? His desire is the remove the siding on the east side of the structure for the purpose of repairing some structural weaknesses.

Catherine Gorman: I'm sure the applicant can address that but, my understanding of the request is that it is for all sides.

George Parson: It is the front and both sides.

Linda Strevell: Are there any more questions? Okay, I'll open the public hearing and see if anyone would like to make a comment. Just hold up your hand, I guess.

Catherine Gorman: The sign in sheet is here. So the public can come here and stand.

Linda Stevell: We'll have the applicant first.

David Mullican: I tried to bring this in for clarity. I'll pass it around. The blue part on this is the 1812 portion that has some hardi on it and has been approved for the rest of it to be hardi. The red section is the east section that I mentioned in the letter and that is something that I talked to Galveston Historic Foundation about doing. And then, before I turned in the application I went ahead and mentioned the other two sides. I am fully willing to do just what is marked in red that I previously discussed with GHF. That is the primary structural issue on the house. But, I thought it would be easier to look at that than drawing because the red part is all that I am concerned about structurally right now and you can see the front is only eighteen feet wide by twenty some odd feet of wood. But the sides of these things are enormous. And the footprints of the adjacent houses are on the base so you can see how close the adjacent house is. The one that is adjacent to the existing house I don't need to get in there and deal with right now. This is where I get a lot of sun on this side and it's where I, I've got a lot of damage on the front but, to address some concerns you had about getting wood. If there is any salvageable wood on this, there probably is maybe enough to fix what is on the front of the house. I don't know if that's enough in there to fix that but I can take the wood off this side and put it on the front and then just repair the existing side. Go in there and shore up the structural studs and put insulation in that side of the house. Because that is where I receive most of my sun is here. Anyway, I hope that helped clarify what I am trying to ask for. I am not any longer asking for the south side which is the front or the west side which is covered up by an existing house anyway. It's not as in bad shape as these other two sides. I just went ahead and wholesale requested 1886 entirely just to get it out of the way in case I had to deal with it later.

I wanted to show you these pictures. I did not inherit a pristine house, I inherited actually the worst house on the block. Not inherited, I purchased it. That's what it looked like when I first purchased it. It had concrete test cylinders for a fence. Some of the windows didn't even exist, I had to go find windows. This is the siding condition compared to the photograph in the back here the way it is right now. You see that.

And this is how I received it. It was really a scary house at the time. I just don't want it to go back to that and I am afraid by the end of my life it is going to go back to that. It'll go full circle here. So, what I am really requesting now, again the blue is what's already approved for hardi. It's a large amount but it's also the 1912 addition piece that was put on it. There was a front two rooms over two rooms and then there was a kitchen wing that was attached in the back here and then in 1912 they added this second piece over it and that's why there is such a large piece added to it. The reason I know this is because the neighbor's house is original, it doesn't have this addition on to it. It's a twin house, the exact same floor plan next door to it. So that's really all that I am asking for now is to let me go in and repair this side, do the hardi siding which you can't tell the difference of once it's painted. And then use what wood I can salvage from this on the front elevation so that it's stays with the house. The other thing I was going to go over...

Linda Strevell: Let me just understand, what you would do is take this original wood siding in the red, and you would take the best part of it, what you're asking to do is take the best part of it to put on the front on the home?

David Mullican: Yes, because the wood on the front of the home is in the worst shape.

Linda Strevell: Is in the worst shape, okay. Then what you have taken off the for front, are you wanting to take off all of that?

David Mullican: On the red? Yes

Linda Strevell: And use the best parts for the front of the house. Okay.

David Mullican: What I wanted to point out in this is the hardi, there is alternative materials, there are alternative materials in this list that shouldn't be on here like, vinyl siding, vinyl fencing and pvc decking, fencing, and aluminum siding, panelized brick but there are things on there, those shouldn't even be on the list as an alternative. What this does is, there are several reasons that you can allow this to go forward and its potential impact on its historical significance if it's not feasible alternative materials may be considered. This is what I'm asking. This is really just in the past couple of years is the first time we have ever had a material that was equal or better than wood. Even the original hardi was thinner than this. So this new hardi is equal or better. The appearance is an exact match, the location of these things are on the side. The Historic District's primary concern is the front elevations on this, there is a primary, secondary, tertiary and so on. These secondary elevations are so enormous and such high maintenance for me that the front elevation is nothing in comparison. Environmental impacts is another consideration you have to make. It is a green material, it is recyclable. Its interaction with historic materials. It is inert, it doesn't stain, it doesn't decay, it doesn't hurt the environment at all. The cost of this particular hardi is twice as much as wood siding. And it is an initial cost but I don't have to replace it again in ten years or fifteen years. I don't have the cost of painting it because paint sticks to it twice as well. I hope you will consider this and experiment the historic district based on my experience with it being twenty-nine years in the field trying to preserve these houses. I have four other experts besides myself that I have quoted – Island Inspections, Aran and Franklin and two authors. One I have a personal letter from saying that hardi should be an acceptable material in the historic districts. So, the equivalent of five experts are saying the hardi material should be looked at seriously in the historic district. I am fully willing not to do it on the front elevation and just recycle the material I can off the side.

Linda Strevell: I would also like to ask, at our last meeting, I remember. I have the notes from it. I believe that Galveston Historical Foundation said something about that they had some wood siding. Did you? Were you able to take a look at it?

Matt Pelz: I'm here. I can talk about it.

David Mullican: I don't want to speak for him. I had GHF come out here because I didn't want to propose something that they would be opposed to. I just talked to him about this side at the time. After that I reconsidered and said I might as well do the whole thing and that's where I got crosswise with GHF.

Chris Smith: Question. The windows, that is your biggest area on that wall. What about the windows?

David Mullican: I am going to keep them. Now, the ones that show as shutters here those were closed and recycled into the rest of the building because they are behind cabinets and others things. But, what I did was keep the openings, put shutters on them and closed them. So that I kept the openings. So there wasn't any patch work.

Chris Smith: Most of your heat on that wall is going to be through your windows. It is.

David Mullican: What I have done to solve that I have used the, inside what I have done is used the vinyl, they are like a snap window and they have a magnetic track on the inside and I snap those in. I've got them on all that I can afford to do right now. That keeps the historic character on the outside without, it makes for a lot of noise in the high wind. But, that's what I have on the inside.

Linda Strevell: Does anyone else have any questions? Michael.

Michael Culpepper: Mr. Mullican. First off, I think that your proposal is somewhat more palatable than what you were asking for before. But it comes back to what you were saying about feasibility. Our Design Standards talk about if the project, which would be replacing in-kind weather it's feasible or not. What I asked last time, what would convince me – I can't speak for the rest of the Commission – would be real evidence that this siding is deteriorated, and that it needs to be replaced in bulk and then I would be more apt to talk about an alternative material, such as hardi – which is a good material. But, like, letters from, respectfully, your contractor and an engineer. That doesn't really satiate what I was looking for when I made that comment.

David Mullican: I mean, I've had two. I was asked for an inspection letter and I've provided two inspection letters.

Chris Smith: Do you have photographs of the rotten siding?

David Mullican: I sent some, didn't I?

Catherine Gorman: We don't have any close-ups

David Mullican: I have them on my phone. I thought I transferred them. I have had two inspectors look at it, you are welcome to come out there. If you want to delay the voting and come out there and look at it. I'd be glad to show you.

Charlotte O'Rourke: One of the things I wish we would have done is have the workshop before making a decision on this because one of the things I keep thinking of when we have these kind of meetings is whether it's a slate roof or wood siding, even if its cypress siding, everything has a life span. And at some point everything gives out. And so, at what point will we allow people to replace it and what do we need to prove it. I drove by your house. I didn't go on your property, I want you to know. I just drove from the street. And I cannot see either side of your house. So, to me I would give you hardi siding today. Because you as the homeowner are coming and telling me that's it's in poor shape. You're also an expert in that area. You have all these letters. So, why am I as a person of this commission going to deny you that when it's your house, you have to maintain it, you have to spend the money on it and hardi siding looks the same. And you can't even see it when you drive down the street. I am having a hard time when I look at our rules because it says a case by case basis and we're denying this because it's within our standards that we allow it. So, how can we possibly deny it. Especially when people don't maintain their houses they deteriorate more and more and we have demolition by neglect. I would really like to have a philosophical discussion about when are we saying things wear out. We have had people come before us with slate roofs and no, no, no, no you have to replace it. But slate roofs last 100-120 years, we are looking at some of these houses that are 150 years old. What are we going to do? Now I love the cypress. That's what I have on my house. But I know at some point even it's going to give out and you're going to have to decide what are we going to replace it with. I would love to replace it with more cypress but the cypress that they're selling now isn't the same as I have on my house. So, I would really like to have that discussion. I wish it was before we're voting on yours but it's not. And I want you to keep that in mind as we vote today. I don't want to see that house deteriorate back to what it was. I'm glad that your in the East End and that your fixing things up. That's all I wanted to say.

Linda Strevell: Does anyone else any any questions. Chris?

Joseph Rozier: It's questions to the applicant.

Michael Culpepper: Mr. Mullican, if we were to defer this, I don't know what your schedule is for today, but would you prefer us to defer until after our workshop or can we even do that?

Linda Strevell: We can defer until after a site inspection is done. For a site inspection. Is that what you're asking?

Michael Culpepper: No. I was going to ask him if, like Charlotte was saying that she would like to hear the case after the workshop.

David Mullican: I would like to hear what GHF has to say to this point. And if it doesn't convince you, what I would really ask for you to do is not send me a letter saying that you've been approved. That's what I got – a letter saying you've been approved Mr. Mullican. And it took me a good little while to figure out that I hadn't been approved. But the way it worded it, to the casual reader, like, powers higher than us – it looks like we're doing. Our commission is approving people and we're moving them through. You know, just reject somebody if you're going to reject them. I mean I was insulted that I received an acceptance letter when, I mean you saw the parade of people. It was not an acceptance, a victory parade for me, the last time I was here. And just reject it and make it clear that it was rejection.

Michael Culpepper: Just real quickly, I can appreciate that and that is one of the things that Charlotte wants to discuss at our workshop.

Linda Strevell: Are there anymore questions? Public comment. Public comment is three minutes, but we don't have a timer.

Joseph Rozier: I have a timer.

Matt Pelz: Matt Pelz, GHF. When we made a visit I was under the impression the siding in question to be repaired had already been replaced twice. The siding that was going to be replaced with the hardi board. It seems to me that kind of is a burden. If you are having to replace that siding over and over again and you have already done it twice. That's the kind of thing we ought to look at. Is it a respectful thing to do to a property to keep it going if its going to be causing that kind of damage. I think there was some honest miscommunication about how much of that east side is going to be replaced, for the siding. For siding that is 1880's, I kind of feel like it should have another opportunity, if it is breaking. Maybe we should go back with some more of the cypress. I know you've struggled with that in the past. But I would like to get together and look at what's available. If it's not the warehouse, maybe there are other sources.

David Mullican: I have already been to the warehouse; they didn't have ten sticks down there.

Matt Pelz: We have plenty of it, I don't know when you been there but... I have been to the warehouse today and I can say we have some materials. Some other folks have some materials. I am happy to work with the applicant on that. Any other questions, I'm happy to answer them. I can tell you that hardi board, there may be some experts that it should be allowed in historic districts. The prevailing theory by far, in preservation, is not a suitable replacement. Thank you.

Joe Rozier: Is GHF in support of him replacing the pink area, taking it and putting it on the front?

Matt Pelz: No, we are not. My understanding when we went out there was that this whole side had been replaced twice already. For the areas that have been replaced repeated times, we're okay with going back with hardi.

Linda Strevell: Are there any other comments? If you'll sign in sir.

Gary Foy: My name's Gary Foy. I live at 1709 Ball in a historic home. I'm also president of the East End Historic District Association. I would like to read you our mission statement, which is the main thrust of this thing. The mission on the East End Historic District is to preserve, restore, and protect it's cultural and architectural integrity. And to do what you are suggesting does not protect that, it is totally wrong. The East End Historic District is on the National Register of Historic Places and should be protected, almost at all costs. And this is not the right thing to do. Thank you.

Linda Strevell: Would anyone else like to make a comment? If you'll sign in and say your name.

Connie Patterson: Connie Patterson. I am a recent resident of Galveston. We moved here last July. We bought our first property two and a half years ago on the corner of 12th and Winnie. We bought the second property right behind it at 1209 Winnie and now we own 1601 Ball on the corner of 16th and Ball. As an owner of three properties in the east end I feel like I have skin in the game. When I came to Galveston and considered buying a property, one of the things I did was attend the GHF workshop on owning a historic home. At which they had all kinds of representative. So I felt like I had a good idea of what I was getting myself into. I always wanted a historic home, didn't know anything about living in a historic district. The thing that concerns me, and with all due respect, and I understand, I am up to my

eyeballs in historic preservation right now. We have finished 701 12th Street, at the corner of 12th and Winnie. If you haven't seen it. Please go by. And it was not the easiest thing because we had a lot of rotten siding on the side and what to do with it. We have run into it at 1209 Winnie and at 1601 Ball. And I've tried it all three ways. You can go to Discovery Architecture in Gonzalez and get you about ten houses worth of siding. They have it. Another option is to go somewhere like Houston Hardwood and have them custom mill it, which we've done. Because by the time you buy it from Scotty, which we've done that too, and you denail it and you scrap it down and you fit it in. By the time you pay the man hours and the painters to do that, you might as well get it custom milled. We've done about 400 linear feet of custom mill to match our existing siding at Ball and it was no more expensive than the hardi siding. So there is an alternative. We had a home in Houston in the Bellaire/West U area that was 4,600 square feet of hardi siding, two stories. It does not look like wood. It performs beautifully. Kind of gives that feel to it, it doesn't wear the same. The paint ends up taking a very matte finish with a little bit of a powdery texture to it in about seven or eight years. And while it looks nice in that setting, it's not the same as it is here. What concerns me by the time someone else comes along and none of ya'll are here anymore but we have allowed that, then all someone else has to do say well, this case study said you allowed him to do that here. And we can't discriminate, that we only allow it on one side of a property where there are only two feet between the properties and no one will see it. We can't discriminate that way. So as someone who owns property in the East End, I understand what the rules of the game are but we don't own a house here. We own a piece of history.

Linda Strevell: Would anyone else who would like to address the Commission? If we could have a response from the applicant?

David Mullican: I understand that people want to have wood siding in here but, you have had a house for a few years. I have had a house for 22 years here and I know the trouble you go through the cycles and recycles you go through here. I think the hardi is identical to the wood except it is more durable and I think eventually we will get to that but we're going to go through more problems between us. And then, but I just want to say to the Landmark Commission that I think you are dooming the Historic District. I've been here 29 years working as a restoration architect. And I have more experience than anyone in this room combined in restoration and on working on homes. I have restored a dozen homes in the historic district. And I know where this is going, the inevitability of the fact that we are taking these 100 year old homes and then eventually putting ten year siding on them. Then we're cycling down and cycling down and you're talking about cannibalizing homes from other historic areas that are not protected by a historic commission as strong as yours. You're the second strongest in the country. It is not protecting historic homes. We're cannibalizing homes all over the country to bring into these districts and it doesn't, like I said, a side that big might have to be cannibalized just to fit on a smaller side. And the more homes we eat, then more historic homes we're going to lose, whether they're in a historic district or not. And what I'm doing on half of my house already is hardi and what difference would it make on a side you can't see. I would gladly give up the front of it because I can get up on a porch and maintain it but I can't get up here and maintain this on a thirty foot ladder. I can't. I mean, I can hire someone once every 10 years but I can't do it very long. I mean this is going to go down and it'll eventually look like what I bought. But I can maintain the front because I can reach that on a short ladder. What I want to say is, I wasn't in a historic district when I bought this house. I was outside the historic district. They grabbed me. I didn't grab them. I didn't buy into the historic district. I bought a house outside of the historic district. That's not intentioned to do my will with the house but I was a good care giver to this house for 22 years and I want to take it to the next generation. And if you vote against it today then you will not allow the next generation to have this house in good condition. Thank you.

Linda Strevell: Thank you. We appreciate all your information. If there are no further comments, then I'll close the public hearing...

George Parsons: I've got a question of Mr. Mullican.

Linda Strevell: Okay

George Parsons: Respectfully, I would say your east side is visible from the street. I have gone over there, stood on the sidewalk and driven by. I know one of your reasons for wanting to use the hardi plank is you mentioned our climate down here and of course that the hardi plank for those studies is much more agreeable. But I ask that perhaps in New Orleans or Natchez or in Savannah which has these same climate, is this a main line product in the historic district?

David Mullican: I wouldn't know about that.

George Parsons: I suggest not.

David Mullican: I'm just saying that if I go buy siding that is 120 years old someplace else, how much life does it have in it? How much life does used siding have in it when I buy it at 120 years old? How many more years am I going to get out of it? I have siding that is 120 years old and it's shot.

Chris Smith: I have a question for the applicant. When did you buy the house?

David Mullican: 1992.

Chris Smith: Market Street was part of the East End Historic District Association.

David Mullican: Absolutely not.

Catherine Gorman: This area is part of the 1994 expansion.

Chris Smith: Oh, okay.

David Mullican: There was one house on my block that they put in the overlay, at the corner. The one I'm restoring with Mrs. Ash. That was the only house that was grabbed into the historic district to prevent the owner from tearing it down.

George Parsons: I guess in answer to your question, replacing it with that 120 year old wood that's part and parcel of having a historic home in a historic district.

David Mullican: I'm not in the, I was not in the historic district.

George Parsons: But you are now and we have rules and we have regulations. We all need to play by the rules and we're preserving our neighborhood. We're just stewards for the next generation. And I would not agree with replacing it with hardi plank.

Linda Strevell: Thank you sir very much.

David Mullican: I didn't mean to lose my temper.

Linda Strevell: You didn't. So we'll close the public hearing in case 14LC-14 and I'll ask the commission members if there are any questions or comments that they would like to make.

Charlotte O'Rourke: I would like to say one thing. You know, sometimes it almost feels like , everybody here, I know, wants the best thing for Galveston and wants the best thing for the historic district. A lot of us live in that area. But we need to have a community discussion of where we are going because eventually you do run out of the materials that have been present and our homes are reaching that mark. And just like we allow the composition roofs and everything else. We need to start looking at other things that we're going to be allowing to happen. For that reason I would move for approval for his hardi plank on the east side, that he's allowed to replace it and that's my motion.

Joseph Rozier: I'll second for discussion.

Linda Strevell: Is there any discussion?

Michael Culpepper: Yea, one rebuttal to your analysis comparing to the composition shingle roofing shingle is, when there are roofs that are of a certain product ... **(Recording ends due to technical issues)**

The following votes were cast:

In Favor:	O'Rourke, Rozier
Against:	Culpepper, Huddleston (Alt. 1), Schwenk, Smith, Strevell
Abstain:	None
Absent:	Lewis
Non-voting	
Participant:	Parsons (Alt. 2)

The motion failed.

Second Motion

Tom Schwenk moved deny Case 14LC-14. Michael Culpepper seconded and the following votes were cast:

In Favor:	Culpepper, Huddleston (Alt. 1), O'Rourke, Rozier, Schwenk, Smith, Strevell
Against:	None
Abstain:	None
Absent:	Lewis
Non-voting	
Participant:	Parsons (Alt. 2)

The motion was withdrawn.

Third Motion

Tom Schwenk moved to deny Case 14LC-14. Fred Huddleston seconded and the following votes were cast:

In Favor:	Culpepper, Huddleston (Alt. 1), Schwenk, Smith, Strevell
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Against: O'Rourke, Rozier
Abstain: None
Absent: Lewis
Non-voting
Participant: Parsons (Alt. 2)

The motion passed.

14Z-13 (14 Porch Street) Request for a variance from the Galveston Zoning Standards Section 29-68, regarding fence height requirement. Property is legally described as Lots 109 and 111 also known as 14 Porch Street, Evia Phase One, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Kathy Drake

Case Manager: Janice Norman, Planner II, Zoning Administrator

Zoning	Traditional Neighborhood District (TND)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Traditional Neighborhood District (TND)	Traditional Neighborhood District (TND)	Traditional Neighborhood District (TND)	Traditional Neighborhood District (TND)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of June 4, 2014

Sent	Returned	In Favor	In Opposition	No Comment
34				

City Department Notifications:

Airport: No Objection
 Building Department: No Objection
 Public Works: No Objection
 Fire Chief: No Objection
 Fire Marshal: No Objection
 Police Department: No Objection

ANALYSIS

The applicant is requesting a variance from Section 29-68 (a) (1) (a) in order to construct a decorative Wall / Arbor in the front yard that is an overall 12-feet in height, which exceeds the maximum height for front yard fences.

Section 29-68 (a) (1) (a)

- a. Within a front yard of any residential use, no solid fence or wall shall be erected to exceed forty-eight inches (48"), unless the fence or wall is at least sixty percent (60%) open, whereby the maximum height shall not exceed five feet (5').

Variance(s) Requested - the applicant is requesting a variance from the following:

- Front Yard Wall/Arbor Height– from 4' to 12'

Applicants Justification

Due to the size and proximity of the lots in Evia we are requesting additional height for the front yard wall.

CONDITIONS FOR A VARIANCE

The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - i. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
 - c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - ii. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (*e.g.*, if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

APPEAL FROM DECISION OF BOARD

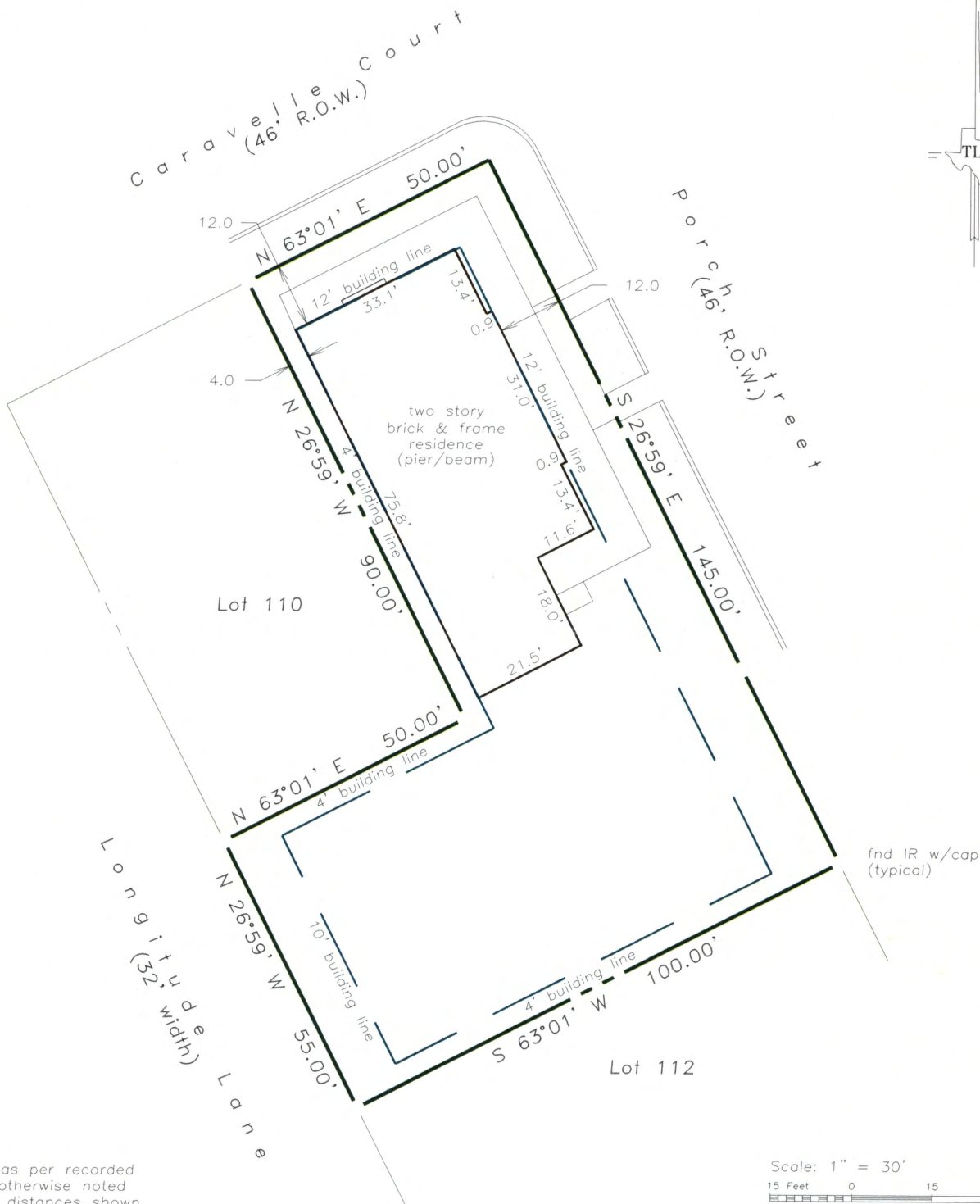
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

“A” – Survey

“B” – Drawing of Wall/Arbor

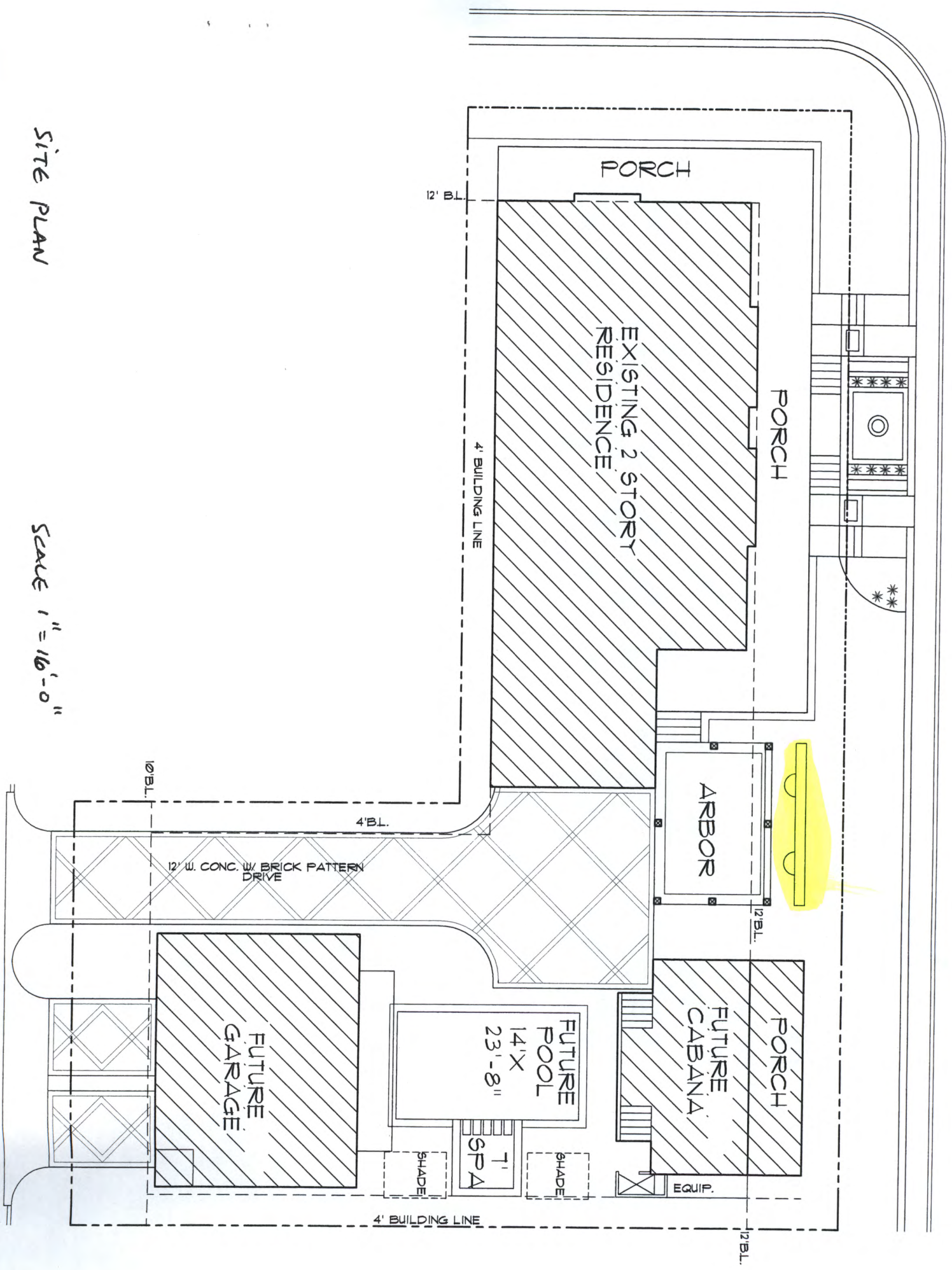
NATIONAL FLOOD INSURANCE PROGRAM
 FIRM Zone AE
 Panel 0023-E
 Community #485469
 December 6, 2002

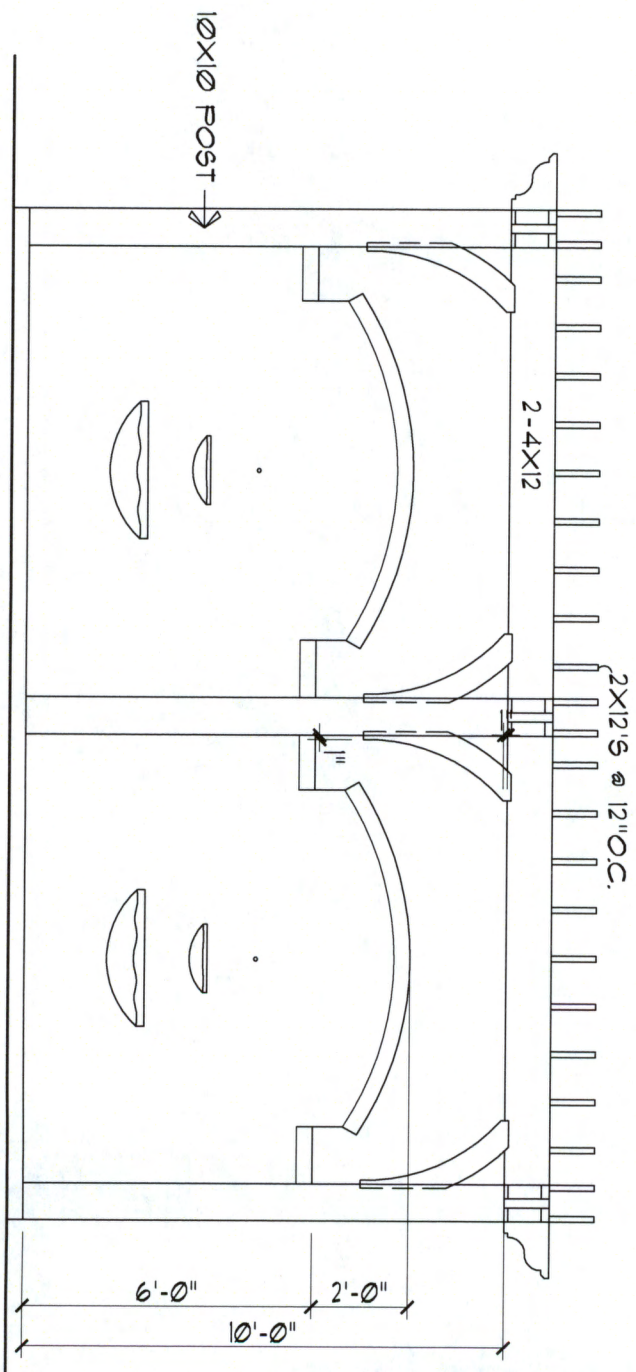


SITE PLAN of Lot 1 of "14 Porch Street" a proposed replat of Lots 109 and 111, of EVIA PHASE ONE, a subdivision in Galveston County, Texas according to the map or plat

SITE PLAN

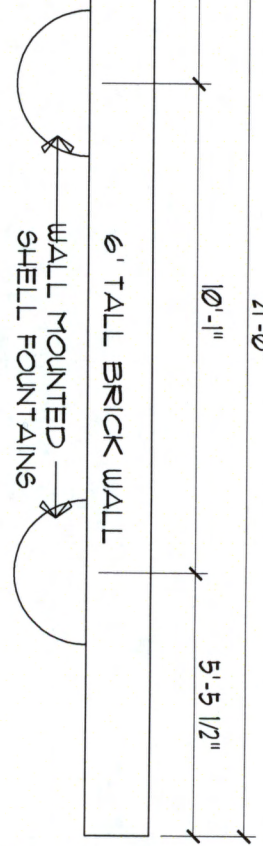
SCALE 1" = 16'-0"





4 ARBOR ELEV. - EAST

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



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