

Planning Department

823 Rosenberg, Room 401
Galveston, Texas 77550

Phone (409) 797-3660
Fax (409) 797-3604

planningcounter@cityofgalveston.org



AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m., Wednesday, July 9, 2014
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

A. Attendance

B. Conflict of Interest

C. Minutes: June 4, 2014

D. Old 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.

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

E. New Business and associated Public Hearing:

14Z-15 (5527 Ave S) Request for a variance from the Galveston Zoning Standards Section 29-82 (h) regarding illuminated signage in a 1F-1 (One-Family-One-Dwelling) zoning district. Property is legally described as Tract 125, in the City and County of Galveston, Texas.

Applicant: Paul Byers

Property Owner: Galveston Independent School District

14Z-16 (902/904 32nd Street) Request for a variance from the Galveston Zoning Standards Section 29-67 regarding parking requirements in a Commercial (C) zoning district. Property is legally described as the Northwest part of Lot 1 (1-1) and the Southwest Part of Lot 1 & Northwest Part of Lot 2 (1-2) of Block 211, a Subdivision in the City and County of Galveston, Texas.

Applicant: Michael Gaertner

Property Owner: Nolan's Child Care Center, LLC

14Z-17 (14520 Stewart Rd and Adjacent properties to the West, North of Stewart Rd, East of 13 Mile Rd) Request for variances from the Galveston Zoning Standards Section 29-65 regarding Lot Area Requirements in a Planned Development (PD) zoning district. Property is legally described as Hall and Jones Survey Part of Lots 100, 101, 106, 107, 110, 111, 115 and 116 (110-1) (115-1) and adjacent abandoned street (106-1) (106-2), Tremble and Lindsey, Section 3, a Subdivision in the City and County of Galveston, Texas.

Applicant: Michael Gaertner

Property Owner: Lafittes Harbor Development 11 LP

14Z-18 (1602 Seawall Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-107, regarding lot coverage in a Retail, Seawall Development Zone, Zone-2, Height and Density Development Zone, Zone-3 (R-SDZ-2,HDDZ-3). Property is legally described as Lots 8 through 12, Northwest block 71, North Part of the Southwest Block 71, a subdivision in the City and County of Galveston, Texas.

Applicant: Michael Gaertner

Property Owner: Jalaram Enterprises Inc.

14Z-19 (1328 Seawall) Request for variances from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) overlay zoning district. Property is legally described as M. Menard Survey, the west 130 feet of Lot 1 (1-1), Hi-Five Corner (2007), a Subdivision in the City and County of Galveston, Texas. Applicant and Property Owner: Amir Fadaei, President, JA Land, LLC

14Z-20 (1622 Ave D/Market) Request to appeal the City of Galveston Landmark Commission's decision regarding case 14LC-22 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 east side of 1886 portion of the house. 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

F. Adjournment

Prepared By:



Athena Petty, Planning Staff Assistant

Date Prepared:

June 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.

S:\Planning\Planning Division\Case Prep\2014\ZBA Agenda 070914.doc

POSTED
JUL 02 2014
CITY SECRETARY'S
OFFICE



MEMORANDUM

TO: William Clement, Chairperson and Zoning Board of Adjustment Members

FROM: Adriel Montalvan, Urban Planner II
Planning Department

DATE: June 25, 2014

RE: **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.

The Zoning Board of Adjustment at their regular meeting on June 4, 2014, voted to continue the above referenced case until their regular meeting on July 9, 2014, to allow the applicant time to provide additional information regarding the configuration of proposed signs.

This was the first continuance of this case and there are no additional costs associated with the continuance.

xc: Rick Vasquez, Director
Planning Department

MEMORANDUM

TO: William Clements, Chair and Commissioners
Zoning Board of Adjustments

FROM: Janice Norman, Planning Manager
Department of Planning
normanjan@cityofgalveston.org or 409-797-3670

DATE: Thursday, June 12, 2014

RE: **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

The Zoning Board of Adjustment at their regular meeting of June 4, 2014, voted to continue the above referenced request until the July 9, 2014, regular meeting to allow the applicant time to provide additional information regarding the design and placement of the wall and for staff to provide photos of the entire property.

This is the first continuance of this case and there are no costs associated with it.

xc: Rick Vasquez, Director
Department of Planning

14Z-15 (5527 Ave S) Request for a variance from the Galveston Zoning Standards Section 29-82 (h) regarding illuminated signage in a 1F-1 (One-Family-One) zoning district. Property is legally described as Tract 125, in the City and County of Galveston, Texas.

Applicant: Paul Byers

Property Owner: Galveston Independent School District

Case Manager: Ian Knox, Urban Planner II

Existing Zoning and Land Use

Zoning	One Family-One (1F-1)
Land Use	School

Surrounding Zoning and Land Use

	North	South	East	West
Zoning	General Residence (GR)	One Family-One (1F-1)	One Family-One (1F-1)	Multi-Family-2 (MF-2)
Land Use	Residential	Residential	Vacant	Residential

Property Owner Notification as of July 9, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
60				

City Department Notifications:

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

ANALYSIS

The applicant is requesting a variance from the signage regulations of the One Family-One (1F-1) zoning district in order to erect one detached illuminated (LED) sign at the Burnet Elementary School. The regulations for signage within a 1F-1 zoning district are located in Section 29-82: Sign Regulations of the Galveston Zoning Standards. Section 29-82 (h) applies to signage and states the following:

Signs In The 1F-1, 1F-2, 1F-3 and 1F-4 Districts

An Owner-Identification Sign, limited in area to twenty (20) square feet; one (1) for each street frontage on the premises, for the identification of permitted non-residential uses.

The applicant is proposing to install an illuminated 4-foot by 8-foot Pylon sign to be used in association with the reopening of Burnet Elementary School to relay information to the neighborhood. The proposed sign design is included as Attachment "B".

Requested Variances

The applicant is requesting the following variances:

Variance #1 – Illumination

Illuminated signs are not permitted in 1F-1, 1F-2, 1F-3 and 1F-4 zoning districts, therefore the proposed sign will require a variance to allow LED signage.

Variance #2 – Size

The proposed sign measurements are 4-feet by 8-feet. In 1F-1, 1F-2, 1F-3 and 1F-4 zoning districts, the maximum size for a non-residential Owner-Identification Sign is 20 square feet. A variance will be required for 32 square feet.

Applicant's Justification

The purpose of this request is to update the current marquee sign to inform the public of important school information.

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.

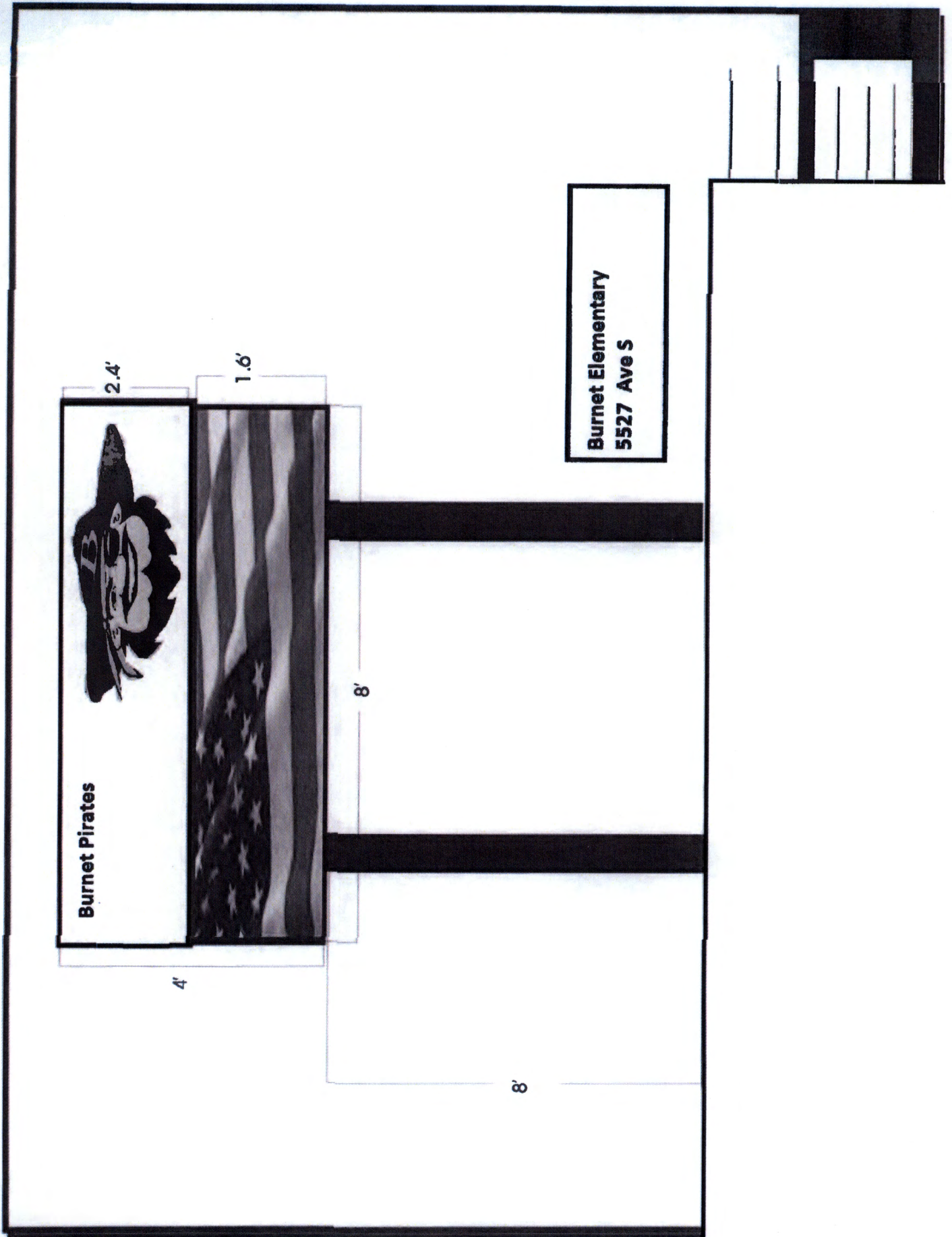
ATTACHMENTS

- “A” – Aerial Map
- “B” – Sign Design
- “C” – Site Plan

Attachment A



Attachment B



14Z-16 (902/904 32nd Street) Request for a variance from the Galveston Zoning Standards Section 29-67 regarding parking requirements in a Commercial (C) zoning district. Property is legally described as the Northwest part of Lot 1 (1-1) and the Southwest Part of Lot 1 & Northwest Part of Lot 2 (1-2) of Block 211, a Subdivision in the City and County of Galveston, Texas.

Applicant: Michael Gaertner

Property Owner: Nolan's Child Care Center, LLC

Case Manager: Ian Knox, Urban Planner II

Existing Zoning and Land Use:

Zoning	Commercial (C)
Land Use	Commercial

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Multi-Family-1 (MF-1)	Commercial (C)	Commercial (C)	Commercial (C)
Land Use	Commercial	Residential	Vacant	Residential

Property Owner Notification as of July 9, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
23				

City Department Notifications:

Airport:	No Objection
Building Department:	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 from the parking requirements in a Commercial (C) zoning district to accommodate a 900 square foot addition to the existing daycare.

1. Variance regarding minimum off-street parking required

Section 29-67(c)(10): VEHICLE PARKING REGULATIONS

(c) **Parking Space Schedule Non-Residential Uses**

(10) **Retail or Personal Service (including Assisted Living Facilities)** – One (1) space for each three hundred (300) square feet of floor area.

Variance(s) Requested - the applicant is requesting a variance from three (3) off-street parking spaces for the new addition to zero (0) off-street parking spaces.

Applicant's Justification

"Unlike retail or other uses, patrons do not stay at this site, parking is generally very short duration for pick-up or drop-off. There is ample curb side parking to serve the needs of the facility."

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.

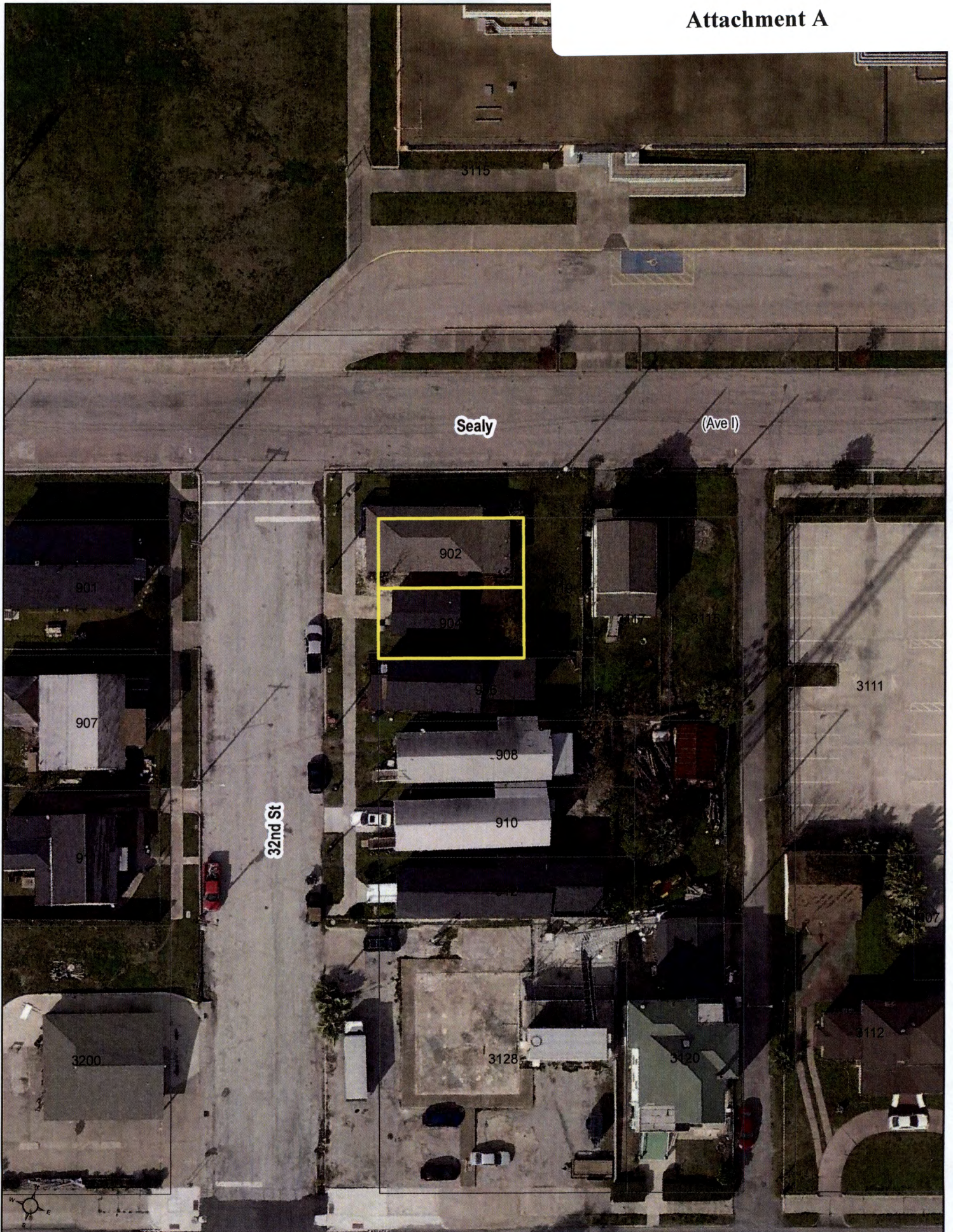
APPEAL FROM DECISION OF BOARD

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" – Survey
- "C" – Site Plan
- "D" – Replat

Attachment A



Planning Department

Map prepared by the City of Galveston Planning Department (knoxian) - 6/18/2014

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 25 50 100 Feet

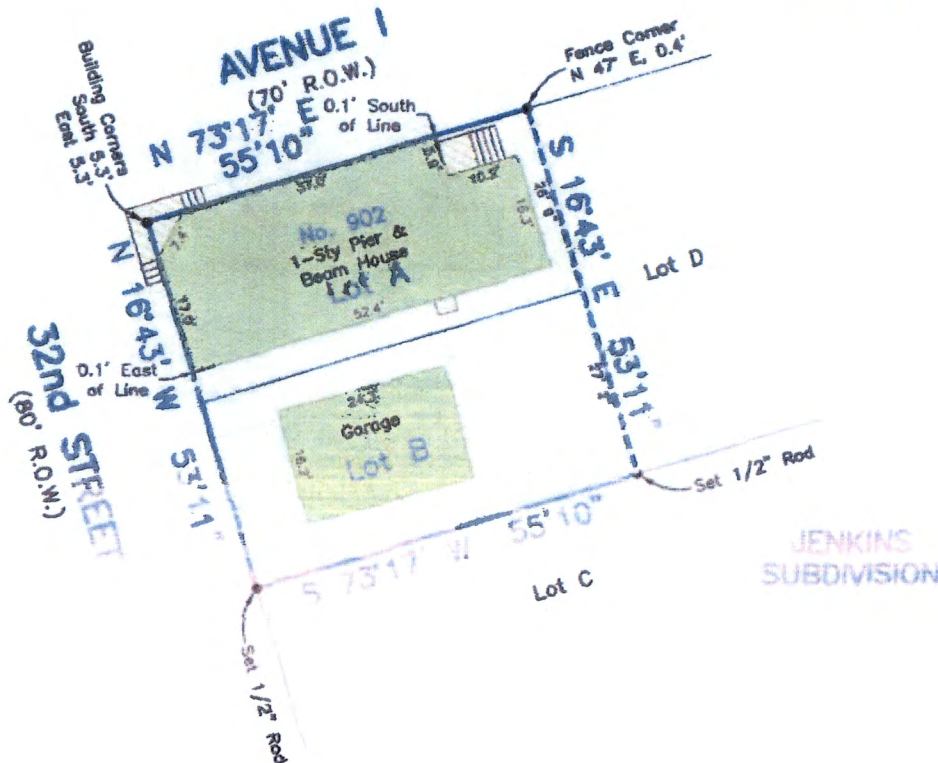
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Attachment B



SCALE: 1" = 20'



Survey of Lots "A" and "B", of the JENKINS SUBDIVISION, a special subdivision of Lot 1 and the North 1/2 of Lot 2, of Block 211 of the City of Galveston, in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 12, Map No. 54.1, of the Map Records in the Office of the County Clerk of Galveston County, Texas.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Stephen C. Blaskey
 Stephen C. Blaskey
 Registered Professional
 Land Surveyor No. 5856

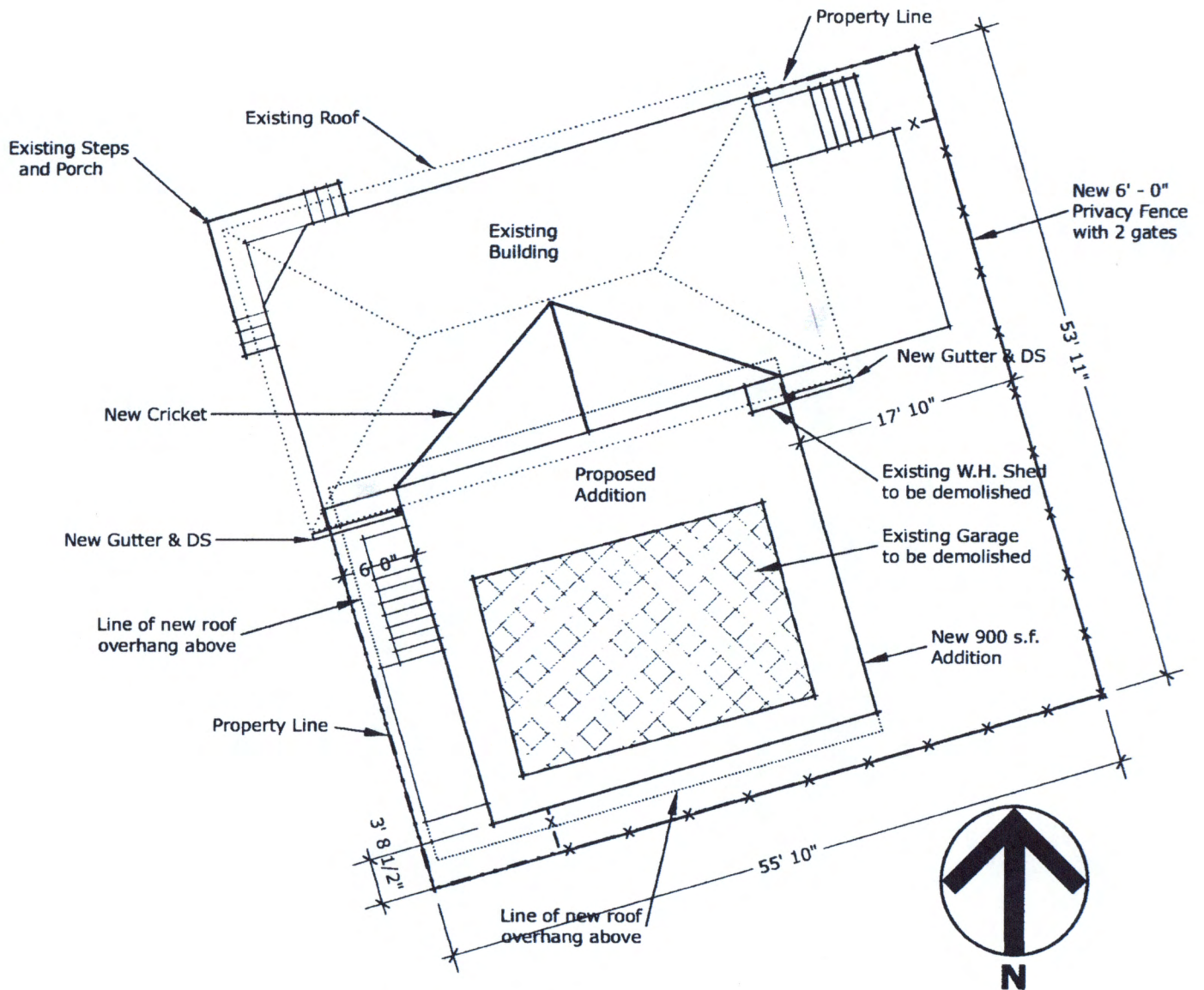


8017 MARBORSIDE DRIVE
 P.O. BOX 18142 (mailing)
 GALVESTON, TX 77552
 ph (409) 740-1517
 Registration Number: 10193365
 www.hightidelandsurveying.com

SURVEY DATE: APRIL 9, 2014
 FILE No.: 3505-0211-0001-001
 DRAFTING: BSH
 JOB No.: 14-0254

- NOTES:
- 1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
 - 2) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA (call your power company).
 - 3) Bearings based on Monumentation, of ?? R.O.W. line of ??
 - 4) Surveyed without benefit of a Title Report.

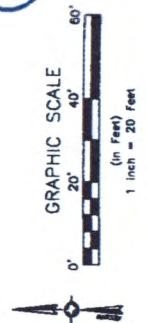
Attachment C



A Site Plan
S2 1" = 10' - 0"

Lots "A" and "B", of the JENKINS SUBDIVISION, a special subdivision of Lot 1 and the North 1/2 of Lot 2, of Block 211 of the City of Galveston, in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 12, Map No. 54-1, of the Map Records in the Office of the County Clerk of Galveston County, Texas, and being more particularly described hereon by metes and bounds.

0.069 ACRES (3,010 SQ. FT.)
MAY, 2014



8917 HARRISON DRIVE
P.O. BOX 18142 (mailing)
GALVESTON, TX 77552
ph (409) 740-1517
Registration Number: 1019855
www.nightislandsurveying.com

SURVEY DATE: APRIL 9, 2014
FILE No.: 3505-0211-0001-001
DRAWING: 104
JOB No.: 14-0254

By [congressmen@senators.house.gov](#) | [senators@house.gov](#) | [gpo.gov](#) | [www.congress.gov](#) | [www.senate.gov](#) | [www.house.gov](#)

STATE OF TEXAS
COUNTY OF GALVESTON

That 1. TANJA MOJAN, owner of that certain tract of land, being situated in the City of Goshen, in Goshen County, Texas, subdivided in the above and foregoing plat as hereby made, repaid of said property according to the terms and conditions therein, and designates said repaid TALVESTON, BLOCK 211, JENNIS LOYS 'A' AND 'B' REPLAY, in the City of Goshen, Goshen County, Texas.

TANYA NOLAN -- Owner

STATE OF TEXAS ||
COUNTY OF GALVESTON ||

Before me, on this day _____ 2014, personally appeared TANYA NOLAN, known to me to be the person whose name is subscribed to the foregoing instrument.

Notary Public, State of Texas



This is to certify that I, Stephen C. Boskey, A Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground, and that all corners are properly marked and that this plat correctly represents that survey made under my direction.

PRELIMINARY
NOT TO BE RECORDED
FOR FILE PURPOSE
Stephen C. Boskey
Registered Professional
Land Surveyor No. 3856

STATE OF TEXAS
COUNTY OF GALVESTON

This Report in the City of Galveston, Galveston County, Texas, as set forth on this has been approved by the Galveston Planning Commission on this _____ day of _____, 2014.

Secretary
Gabriel Planning Commission

Chairman
Governor
Planning Commission

STATE OF TEXAS }}
COUNTY OF GALVESTON }}

I, DWIGHT D. SULLIVAN, County Clerk, Galveston County, Texas, do hereby certify the written instrument was filed for record in my office on

2014, at _____ O'Clock, ^{am}~~pm~~, and duly recorded on _____

Plot Record _____ Map Number _____ Galveston County Map Records.
Witness my hand and seal of office, at Galveston, Texas, the day and date last
written.

BRIGHT D. SULLIVAN, County Clerk,
Robertson County, Texas

14Z-17 (14520 Stewart Rd and Adjacent parcels to the West) Request for variances from the Galveston Zoning Standards Section 29-65 regarding Lot Area Requirements and Setbacks in a Planned Development (PD) zoning district. Properties are legally defined as: Hall & Jones Survey, Portion of Lots 106,107,110,111 and Adjacent Abandoned Street (106-2) Trimble & Lindsey Section 3; Hall & Jones Survey, Portion of Lots 100,101,106,107 and Adjacent Abandoned Street (106-1), Trimble & Lindsey Section 3; Hall & Jones Survey, Portion of Lots 110,111,115 & 116 (110-1), Trimble & Lindsey Section 3; Hall & Jones Survey Portion of Lots 115 and 116 (115-1), in the City and County of Galveston, Texas.

Applicant: Michael Geartner

Property Owner: Lafittes Harbor Development 11 LP

Case Manager: Pete Milburn, Senior Planner

Existing Zoning and Land Use:

Zoning	Planned Development (PD)
Land Use	Vacant

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Planned Development (PD)	One Family-Two (1F-2)	Water (W)	Planned Development (PD)
Land Use	Residential/Vacant	Vacant	Water	Vacant

Property Owner Notification as July 9, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
8				

City Department Notifications:

Airport:

Building Department:

Fire Chief:

Fire Marshal:

Police Department:

Public Works:

Pending

No Objection with comments: *This property may lie in Otherwise Protected Area (OPA) on the Flood Map. If so, this property will not be able to purchase flood insurance through the National Flood Insurance Program and will not be eligible for any disaster money in case of a major federal disaster.*

Pending

Pending

Pending

No Objection with comments: *Public Works has been presented with preliminary drawings indicating the applicant is proposing a non-standard right-of-way width of 32 feet and a paving stone (neither the standard concrete or asphalt pavement) surface for the streets. The streets are not*

according to public street standards so the streets need to be private streets with no maintenance responsibility by the City of Galveston.

ANALYSIS

The applicant is requesting a variance from Section 29-65 of the Galveston Zoning Standards regarding setbacks and lot area requirements for a 20.46 acre mixed-use subdivision that includes single family, detached and attached, and commercial developments.

The table below indicates the lot area requirements and yard setbacks requirements per section 29-65 of the Galveston Zoning Standards for properties within the Planned Development (PD) zoning district:

Zoning Standards Lot Requirements

	Lot area	Lot Width	Lot Depth	Front Setback	Side Setback	Rear setback
Single family, detached	4,000 sq-ft	40'	80'	20'	5' (if > 50')	10' 3' if abutting 20' ROW. 0' if adj to canal.
Single family, attached	2,000 sq-ft	20'	50'	20'	5' (where applicable)	n/a
Commercial	n/a	n/a	n/a	40'	n/a	10' (When Adjacent to residential)

Variances Being Requested:

	Lot area	Lot Width	Lot Depth	Front Setback	Side Setback	Rear setback
Single family, detached	2,837 sq-ft	38-ft	70	10	4	0
Single family, attached	--	--	--	10	4	0
Commercial	--	--	--	10	4	0

Applicant's Justification for the Variance:

"Applicant seeks to embody principles of new urbanism, developing a compact walkable subdivision with a variety of lot sizes and shapes and using public space as buffers in lieu of private yards."

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.
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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" – Zoning Map
- "B" – Aerial Map
- "C" – Site Plan

Zoning Map



Planning Department

Map prepared by the City of Galveston Planning Department (milburnpet) - 6/27/2014

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.

0 550 1,100 2,200 Feet

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Aerial Map



Planning Department

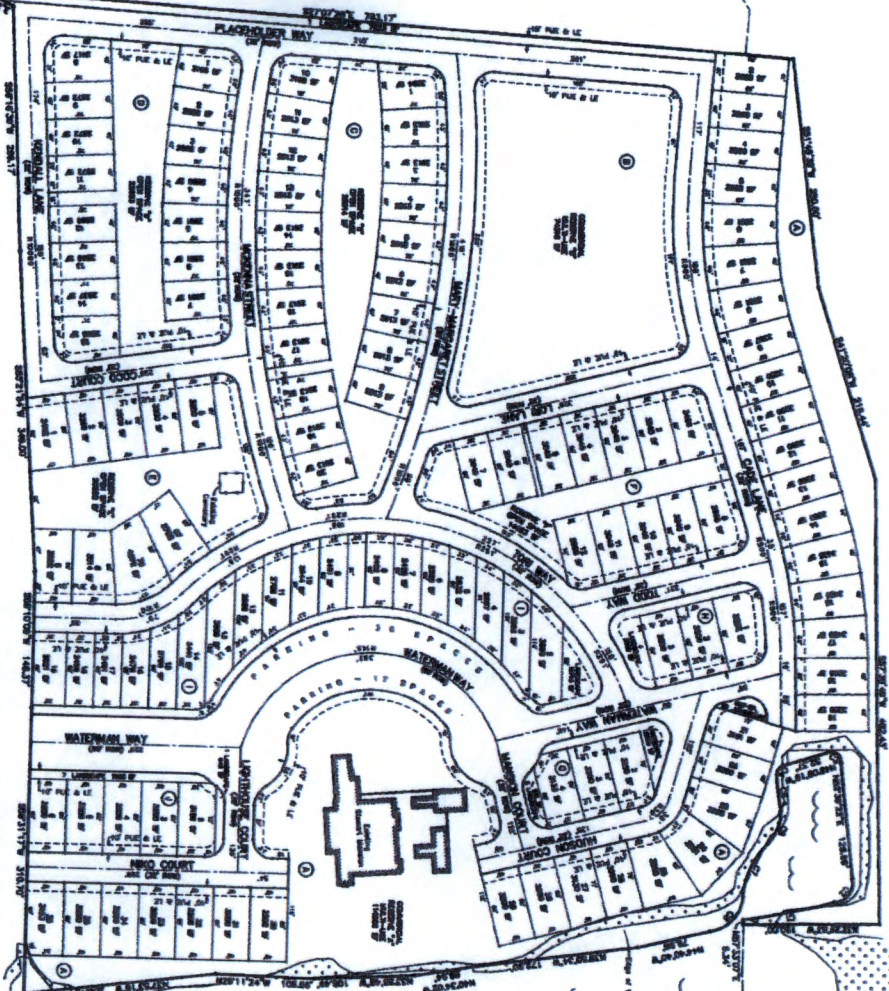
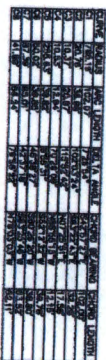
Map prepared by the City of Galveston Planning Department (milburnpet) - 6/27/2014

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0 140 280 560 Feet

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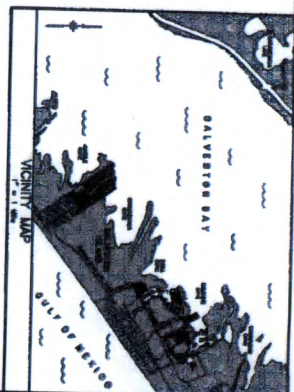


20.46 ACRES
CITY OF GALVESTON
JUNE 2014

	Land Use		Ecosystem Land Use (km ²)			
	Count	Dist. (km)	Forest	Agri	Grass	Water
Large Family Reintroduced	803	2.35	30	9	4	0
Large Family Assisted	18	1.85	30	0	4	4
Controlled Small Int.	2	4.31	30	0	0	4
Open Space Reserve	4	0.89	0	0	0	0
Landfill Site	8	0.67	0	0	0	0
Public Lands	14	5.75	0	0	0	0

Open Source (N=11)	
Acquired (n=6)	1.64
Proprietary	1.66

LEONARD
BETLAUST
BLACK



14Z-18 (1602 Seawall Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-107, regarding lot coverage in a Retail, Seawall Development Zone, Zone-2, Height and Density Development Zone, Zone-3 (R-SDZ-2,HDDZ-3). Property is legally described as Lots 8 through 12, Northwest block 71, North Part of the Southwest Block 71, a subdivision in the City and County of Galveston, Texas.

Applicant: Michael Gaertner

Property Owner: Jalaram Enterprises Inc.

Case Manager: Janice Norman, Planning Manager

Existing Zoning and Land Use:

Zoning	Retail , Seawall Development Zone , Zone-2, Height and Density Development Zone , Zone-3 (R-SDZ-2-HDDZ-3)
Land Use	Hotel

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Multi Family One, Neighborhood Conservation District One (MF-1-NCD-1)	Beach, Seawall Development Zone, Zone-2 (B-SDZ-2)	Retail, Seawall Development Zone, Zone- 2, Height and Density Development Zone, Zone-3 (R-SDZ-2-HDDZ-3)	Retail, Seawall Development Zone, Zone- 2, Height and Density Development Zone, Zone-3 (R-SDZ-2-HDDZ-3)
Land Use	Residential	Gulf of Mexico	Commercial	Commercial

Property Owner Notification as of July 9, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
29				

City Department Notifications:

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

ANALYSIS

The applicant is requesting a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ). Adopted in April of 2008, the HDDZ regulations were created to provide new prescriptive development standards for key areas of the city in order to:

1. Promote development and redevelopment that is compatible in height, mass and scale with surrounding neighborhoods and preserves view corridors and access to Gulf breezes;

2. Promote development and redevelopment that meets community objectives and supports an overall future vision for the island;
3. Promote sustainable design within the overlay zones; and
4. Allow for the continued growth and expansion of the local economy.

The applicant is requesting the following variance:

To increase the lot coverage from: 80% to 85%

Low-rise Site Development Standards by Character Area	
Zone	Seawall A
Lot Coverage (max.)	80%

Lot Coverage: Lot coverage shall consist of all building footprints plus all impervious pavement (asphalt or concrete) on the site.

APPLICANT'S JUSTIFICATION

"The applicant seeks to replace an existing hotel with new construction and is prevented from doing so due to site constraints, required paving for accessible routes, and undermining of foundations in storms due to permeable area requirements".

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

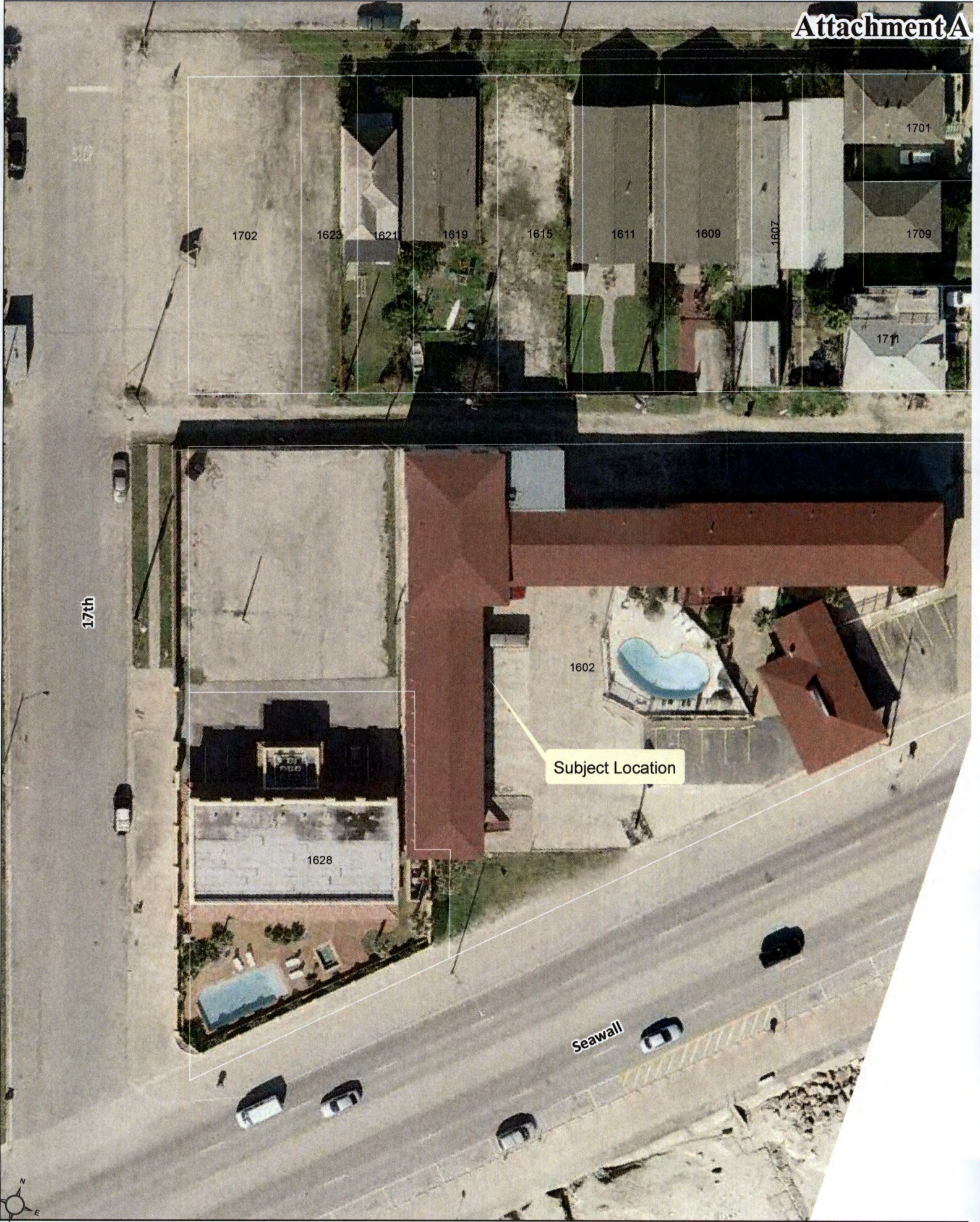
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal 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” – Survey

“C” – Applicant’s Submittal

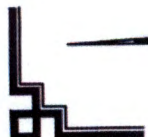


14Z-18 1602 Seawall

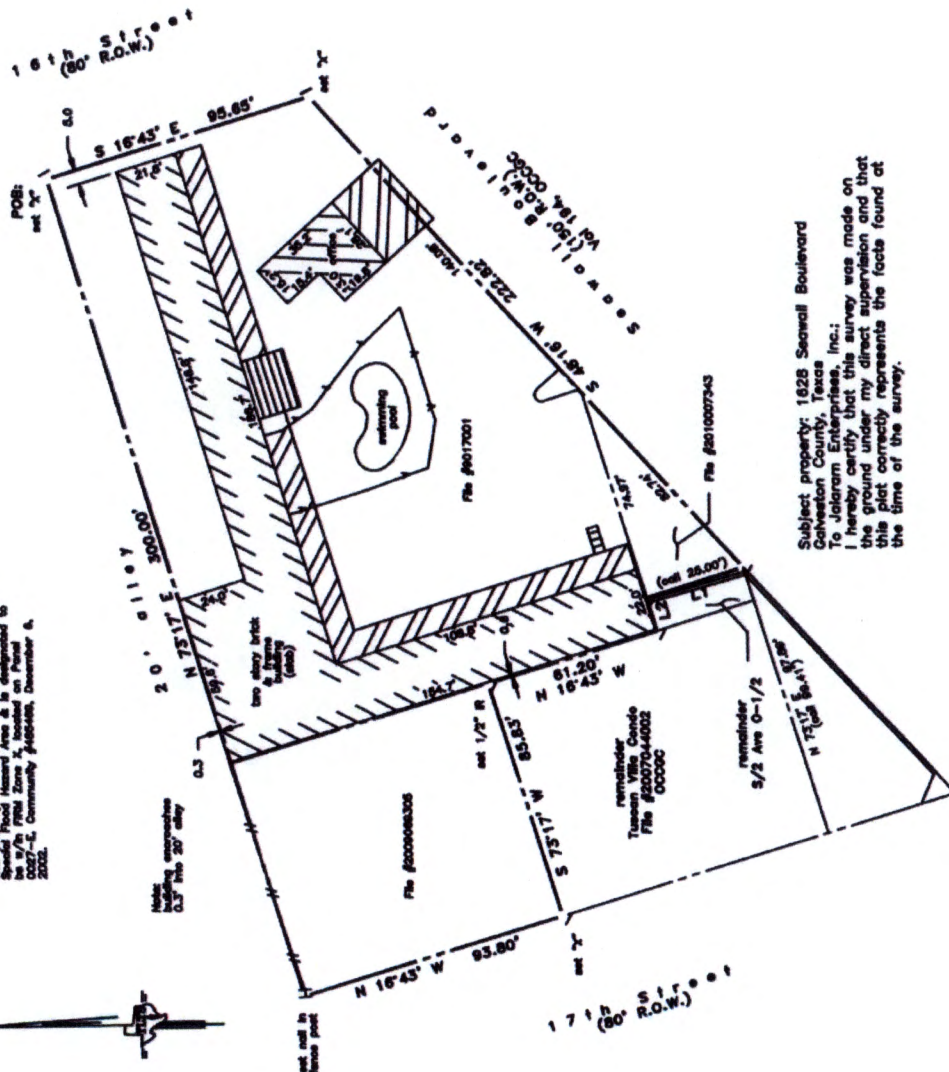
Map prepared by the Department of Planning and Community Development (normanjan) - 6/19/2014
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.
 It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 25 50 100 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.



This property is not within the 100-Year Flood Hazard Area & is designated to be in the FEMA Zone X, based on Flood 0027-E, Community #480486, December 6, 2002.



LINE	DISTANCE	BEARING
L1	35.00'	N 16°43' W
L2	12.08'	S 73°17' W

Subject property: 1828 Seawall Boulevard
Galveston County, Texas
To Jalarum Enterprises, Inc.:
I hereby certify that this survey was made on
the ground under my direct supervision and that
this plat correctly represents the facts found at
the time of the survey.

Lawrence C. Wall
RPLS #4814
May 6, 2010

LAND TITLE SURVEY OF A TRACT OF LAND OUT OF C
In the City and County of Galveston, Texas, being
three tracts conveyed separately to Jalarum Enterp
EN TOTO containing 0.890 acre (38,780 square fe
and being described as four tracts as follows:

BEGINNING at a set "X" at the intersection of the West line of
(80 foot width) and the South line of a 20 foot alley, being th
corner of the tract conveyed by Gene R. Jones, recorded under
#9017001, in the Office of the County Clerk of Galveston Coun
(OCCOC);

THEN S 16° 43' E along 18th Street and the Jones tract, 85.8
set "X" at the intersection with the North line of Seawall Boule
width, Volume 194, OCCOC), being the southeast corner of the

THEN S 48° 16' W along Seawall Boulevard and the Jones tract
pass the South corner of the Jones tract, also being the East
tract conveyed by the County of Galveston recorded under File
OCCOC, continuing in all 222.82 feet to a set "X" for the South
the County tract

THEN N 16° 43' W along the West line of the County tract, 35
25.00) feet to a set 1/2 inch diameter steel reinforcement ba
the South line of the Jones tract, also being the centerline of
Avenue O-1/2 (70 foot width);

THEN S 73° 17' W along the centerline of the remaining por
O-1/2 and the South line of the Jones tract, 12.08 feet to a
for the southwest corner of the Jones tract;

THEN N 16° 43' W along the West line of the Jones tract, 61.
set 1/2" IR for the southeast corner of a tract conveyed by J
LLC recorded under File #2009089305, OCCOC;

THEN S 73° 17' W along the South line of the Tucson Lofts tr
to a set "X" for the southwest corner of the Tucson Lofts tra
line of 17th Street (80 foot width);

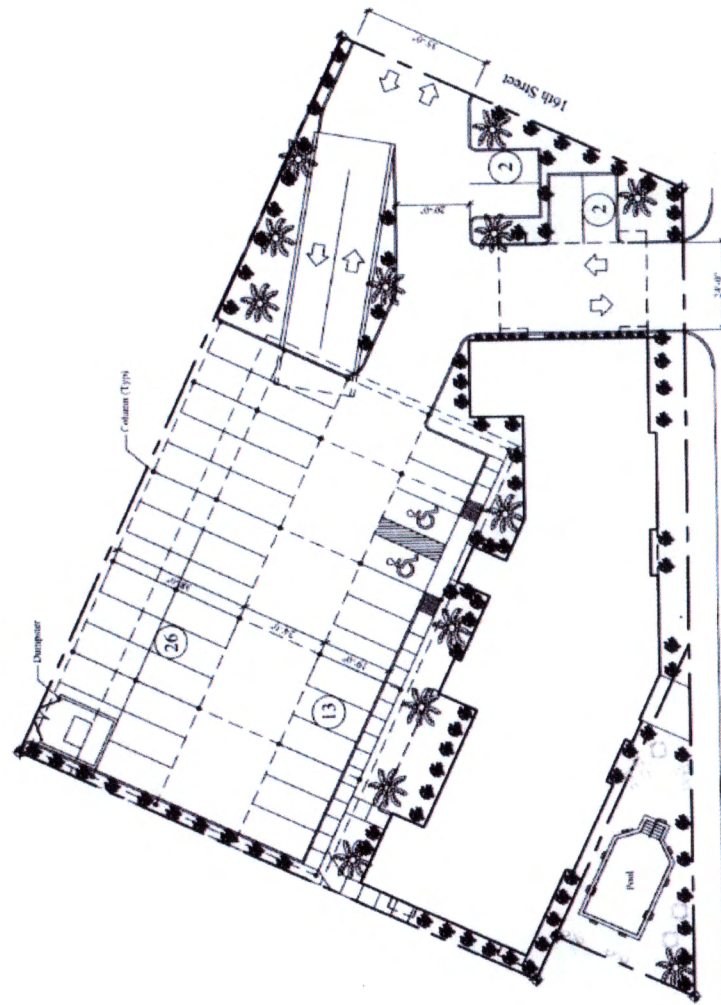
THEN N 16° 43' W along 17th Street and the Tucson Lofts tra
to a nail set within an old 2 inch steel fence post for the no
of the Tucson Lofts tract, at the intersection with the 20 foot

THEN N 73° 17' E along the alley, at 85.83 feet pass the Nor
corner of the Tucson Lofts Jones tracts, in all 300.00 feet to
BEGINNING, containing 0.890 acre (38,780 square feet) of land

Scale: 1" = 40'



TITS, Inc.
Texas Land Title Services
Galveston, Texas 77550
(409) 762-2222



Seawall Boulevard

Site Plan

SCALE 1:600 = 1"=20'

4.1 Parking Spaces

are needed. Sharon.m.hobbs@nsw.gov.au ?

24 Parking Spaces
Severall Level

6.7 Total Parkway Sources

Lot Coverage Diagram

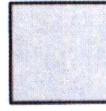
Legend



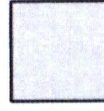
Building Ar
18,958 s.f.



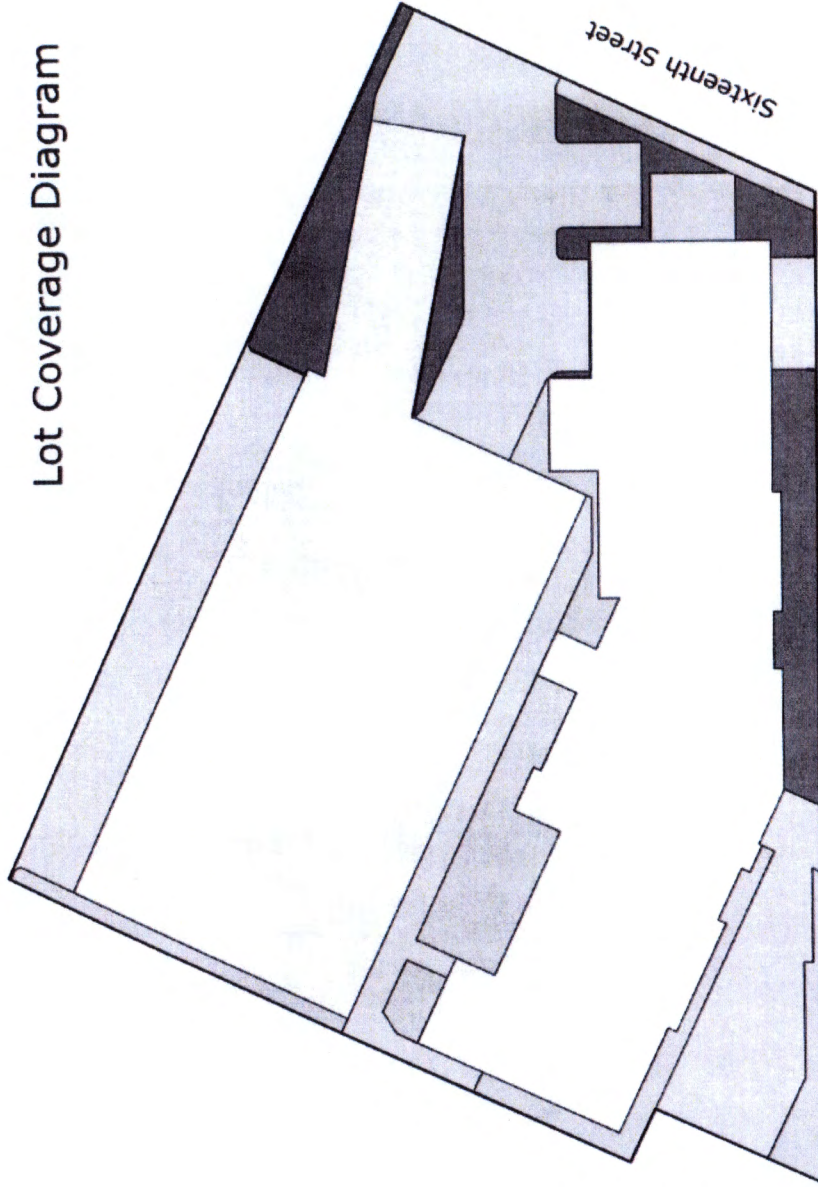
Improved
Open Spac
2,447 s.f.



Other Land
2,689 s.f.



Paving
7,865 s.f.



Seawall Blvd

Sixteenth Street

AREA CALCULATION

Impermeable Areas:			
Building	Area	Coverage	Subtotal
	18,958	59.3%	83.9%
Paving	7,865	24.6%	
Permeable Areas:			
Imp. Public Open Space	Area	Coverage	Subtotal
	2,447	7.7%	16.1%
Other Landscape Areas	2,689	8.4%	
Total	31,959	100%	100%

MEMORANDUM

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

FROM: Catherine Gorman, Assistant Director/HPO
Planning Department

DATE: June 30, 2014

RE: **14Z-20 (1622 Ave D/Market)** Request to appeal the City of Galveston Landmark Commission's decision regarding case 14LC-22: 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 east side of 1886 portion of the house. 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 June 22, 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 east side of 1886 portion of the house. The applicant is appealing the Landmark Commission's Decision.

A similar appeal request was heard by the Zoning Board of Adjustment on June 4, 2014 – Case #14Z-12. That case was remanded back to the Landmark Commission due to an issue with the recording equipment.

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-22, including attachments

"C" – Action letter for 14LC-22, dated June 26, 2014

"D" – Transcribed minutes for the May 23, 2014, Landmark Commission meeting

Planning Department

823 Rosenberg, Room 401
Galveston, Texas 77550

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

planningcounter@cityofgalveston.org



June 26, 2014

David Mullican
1622 Market St.
Galveston, TX 77550

Re: **14LC-22 (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 east side of 1886 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

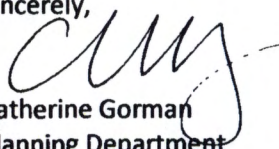
Dear Mr. Mullican:

The Galveston Landmark Commission, at a special meeting on June 23, 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 east side of 1886 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

14LC-22 (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 east side of 1886 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

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 June 23, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
6				

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

May 5, 2014: The Landmark Commission approved the replacement of wood siding with Cementious Fiberboard on the 1912 portion of the house and denied the request for the 1886 portion of the house (Case 14LC-13).

May 19, 2014: The Landmark Commission denied the replacement of wood siding with Cementious Fiberboard on the 1886 portion of the house (Case 14-LC-14). At the meeting, the applicant modified the request to be just the east side of the 1886 portion of the house. The applicant appealed this decision to the Zoning Board of Adjustment.

June 4, 2014: The Zoning Board of Adjustment remanded the case back to the Landmark Commission due to an error in the recording (Case 14Z-12).

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 façade. The applicant will salvage material from the east façade in order to repair the south and west facades.

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 applicant has submitted information from two salvage companies that he is unable to obtain a sufficient amount of historic aged siding.

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.

Materials and Finishes

Primary historic building materials should be preserved in place whenever feasible. If the material is damaged, then limited replacement which matches the original should be considered. These materials should never be covered or subjected to harsh cleaning treatments. Preserving original building materials and limiting replacement to only pieces which are deteriorated beyond repair reduces the demand for, and environmental impacts from, the production of new materials and thus is sound sustainability policy.

Primary historic building materials found in Galveston include wood, stone, brick, metal, stucco, plaster and concrete. Such materials should be preserved and rehabilitated whenever possible.

Preserve Original Building Materials.

Appropriate

- Repair deteriorated building materials by patching, piecing-in, consolidating or otherwise reinforcing the material.
- Remove only those materials which are deteriorated, and beyond reasonable repair.

Inappropriate

- Do not remove original materials that are in good condition (the Landmark Commission requires property owners to demonstrate that existing materials cannot be reasonably repaired prior to granting approval to remove original materials).

2.3 Use original materials to replace damaged materials on primary surfaces.*Appropriate*

- Use original materials to replace damaged building materials on a primary façade. If the original material is wood clapboard, for example, then the replacement material should be wood that matches the original in finish, size and the amount of exposed lap.
- Replace only the amount of material required. If a few boards are damaged beyond repair, for example, then only they should be replaced, rather than the entire wall.
- Consider using an alternative material if a wood porch or deck floor needs replacement because of significant deterioration.

Inappropriate

- Do not replace building materials on the primary façade, such as wood siding and masonry, with alternative or imitation materials.

May be Considered on a Case-by-Case Basis by the Landmark Commission

- The Commission may consider alternative materials located on a residential accessory building, addition or rear façade.
- The Commission may consider alternative or imitation materials that match the style and detail of the original material to replace materials located above the pedestrian-level of a commercial building. For example, alternative materials may be considered for replacement of cornice elements. See “Using Alternative Materials on a Historic Structure” on page 31 for more information. *(information from page 31 is referenced above)*

When replacing material on a non-primary surface, match the original material in composition, scale and finish.*Appropriate*

- Use original materials to replace damaged materials on a non-primary façade.
- Use green building materials, such as those made with renewable and local resources to replace damaged materials on a non-primary façade if they do not impact the integrity of the building or its key features.

May be Considered on a Case-by-Case Basis by the Landmark Commission

- Alternative or imitation materials that match the style and detail of the original material to replace damaged non-primary building materials. See “Using Alternative Materials on a Historic Structure” on page 31 for more information.

Historic Wood

Lap siding has always been the primary wood building material in Galveston. It was used historically for exterior siding, trim and ornamental details. Most houses have a horizontal 6' bevel siding that is applied in an overlap fashion (4 1/2" of the siding exposed). Vertical board and batten siding is also used.

Early woodwork should be retained, and, if necessary repaired. When properly maintained, original wood has a long lifespan.

Protect wood features from deterioration.*Appropriate*

- Maintain paint on wood surfaces.
- Provide proper drainage and ventilation to minimize decay.
- Maintain protective coatings to retard deterioration and ultraviolet damage.

CONFORMANCE WITH THE DESIGN STANDARDS

Using the "Locating Façade Improvements" chart on page 29 of the Design Standards, Staff finds that the proposed work is in "Location B: Highly Visible Secondary Wall". The Design Standards note that preservation and repair in place is the priority for Location B.

The Design Standards state that alternative materials may be considered on a case by case basis and provides factors to consider. These factors are listed starting on page two of the staff report. The proposed alternative material meets a number of these factors and has been used previously in the historic districts on additions and new construction. However, there is a negative "Potential Impact on Historic Significance" because the siding to be replaced is of historic age.

The Design Standards state that retention of historic material is the preferred action. If damaged, then limited replacement of only the damaged portion is the next best solution. The wholesale removal of historic aged siding on the east façade of the house is not supported by the Design Standards.

Staff finds that the request does not conform to the Design Standards. 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. If not available, Staff recommends the use of new cypress siding to match the finish, size and amount of reveal of the historic aged siding.

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:

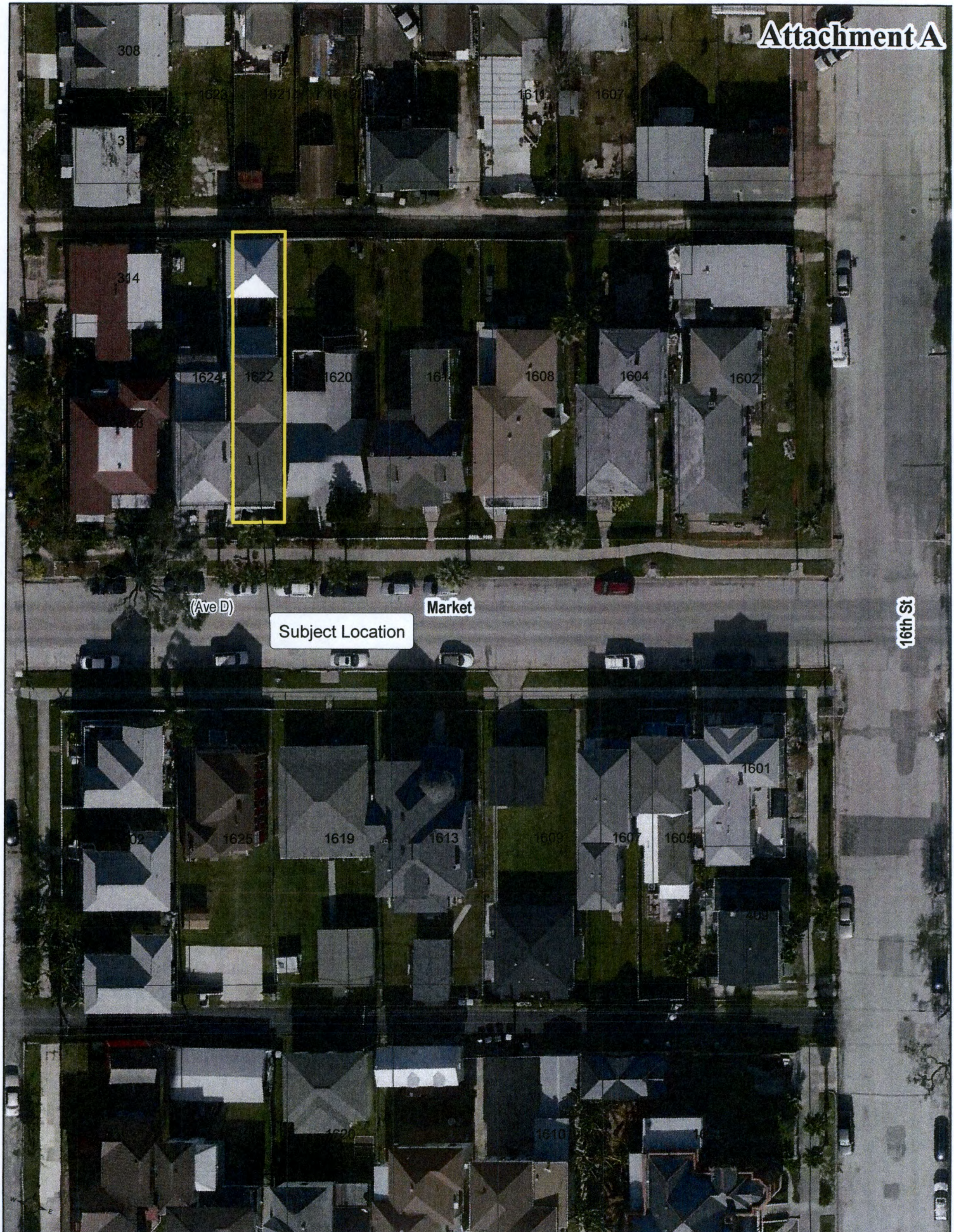
1. The work shall conform to the design, materials and placement presented in Attachment "C";

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

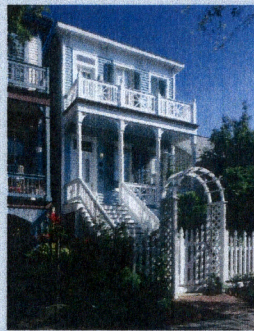
- "A" – Aerial
- "B" – Photographs
- "C" – Applicant's Narrative





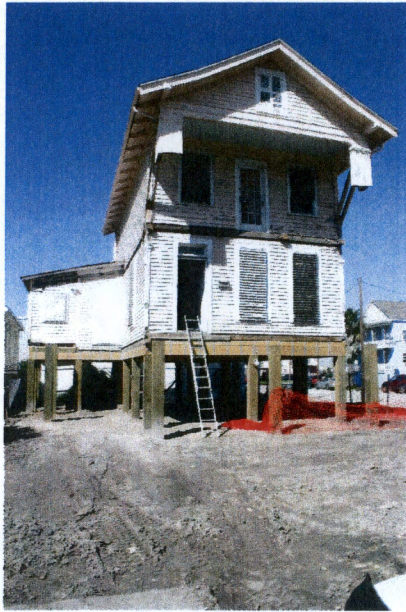


1622 Market Street



Biography, David Mullican Architect

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



1502 Mechanic Street

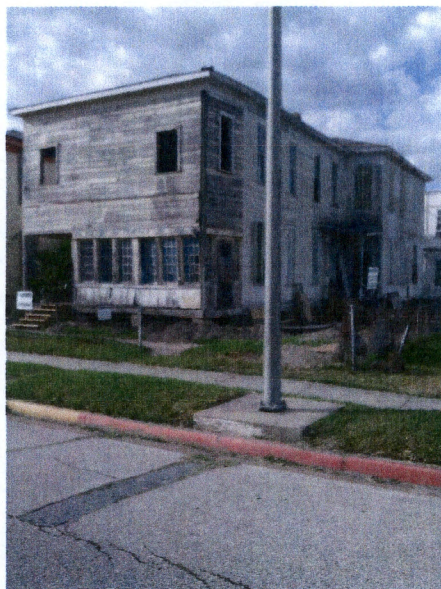


1620 Market Street



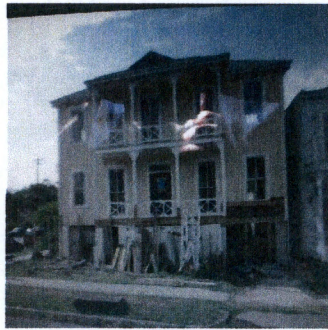


Sealy Street



1602 Market Street



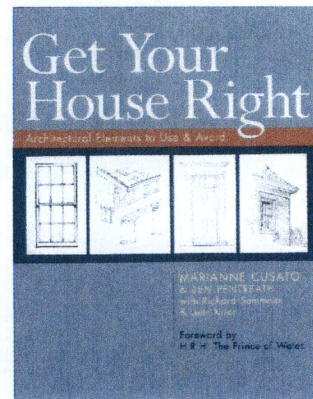


1601
Market Street



1613 Market Street





Marianne Cusato
Author of "Get Your House Right"

- "New wood is fast grown wood."
- "Installing new wood on a house is an invitation for trouble."
- "The best alternative to wood in all climates is cement board siding. Cement board siding is the perfect low-maintenance material: not only is it rot-, flame-, and termite-resistant, it is also hurricane-rated."

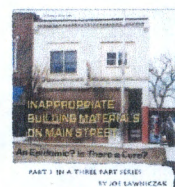
Texas Historical Commission

Texas Main Street Program,
Main Street Matters,
December 2012
"Inappropriate Building
Materials on Main Street"

Article by Joe Lawniczak, Dec 2012

Comments on Fiber-Cement Siding:

- **Extremely strong and resistant to fires, insects, and rot.**
- **Smooth texture replicates the look of wood.**
- **Extraordinary quality and durability.**



FOCUS ON MAIN STREET DESIGN
The following article, Part 1 of a three-part series, is reprinted with permission. For the October issue for Part 1 and the November issue for Part 2.

Are All Substrates Materials Inappropriate?
Those that we've discussed some of the common inappropriate materials used on Main Street, it is unfair to suggest a few materials are suitable every time they are considered. Though adjustments to the original, it is not correct.

Fiber-Cement Siding:
Probably the most talked about product, under the fiber-cement siding, commonly known as Hardi-Plank, Hardi-Board, and Gypsum, among other trade names. Fiber-cement siding was first developed by James Lathrop Industries in the mid-1930s. At that time, the company discovered the process for the construction of a non-combustible building material that could withstand fire and was more resistant to insect damage.

Fiber-cement siding is extremely strong and resistant to fire, insects,

and rot. In the past, it consisted of cement and asbestos. Today, however, wood is put there to hold in place of asbestos.

Fiber-cement siding comes in three common textures: the wood grain, smooth, or stucco. It is generally recommended that the smooth texture be used as it best replicates the look of wood. The all-right, typical texture is about five-thirtieths of an inch, making it very strong and rigid. The pieces range in width from 6 to 12 inches and are installed on much the same way as wood siding. With this range of widths, it is easy to replicate the overall width of the original wood siding. Contact boards and trim are also finished to a similar texture to match.

Part 1: IN A T-ONE PART ISSUE

by Joe Lawniczak

Fiber-cement siding differs from other siding in a number of ways. First of all, it is often used as replacement wood siding, and is usually to conceal it. This type of siding does need to be painted, but a solid color paint is an excellent way. Painting and staining are not if the paint is applied properly. In most cases, other exterior siding, such as stone or quality vinyl siding, but more it needs to be painted, the

that one will usually be a better choice than wood. The difference in quality and the ability, however, is extraordinary.

In some cases, fiber-cement siding is used only to replace the original wood siding and/or to match the existing wood siding. Once installed, such as long as the siding and the texture are the same, it is difficult to tell the difference between the original wood and the fiber-cement siding.

Modified Millwork:

Another common substrate material is modified millwork, which goes by the trade names of Proso, Hopsot, and Chacoform, among others. These modified millwork products are made of high-density polymers such as polystyrene or polypropylene. These materials can be used on the exterior of buildings as well as on the interior. On the outside, they are commonly used to replace existing or deteriorated woodwork, brackets, window heads, etc. Modified millwork is typically factory coated with an acrylic finish coat. After installation, the millwork should be painted with a high-quality exterior paint. Because it is made essentially of foam, modified millwork should not be used on areas of the building where insect infestation is common, such as at or near grade, sheltered wall



Even to enhance detail work, the original wood siding on this building was replaced with fiber-cement siding. Note that the original trim and siding were removed properly.

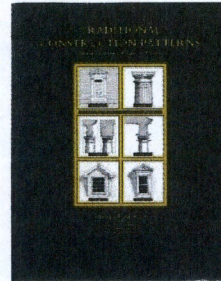
Texas Main Street Program Main Street Matters, December 2012

Page 1

Comments from Professionals

Stephen Mouzon

Author of "Traditional Construction Patterns"



- "Cementitious siding is a fiber-reinforced cement-based product that should be the first choice of siding materials on any project"
- "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 beveled siding."
- "The preservation community needs to get their brains around the difference between preserving artifacts (good, if compared to demolition) and preserving a living tradition (far better)."





Reasons to allow use of Alternative Materials

- Potential impact, retaining original material is always preferred. If this is not feasible, alternative materials may be considered.
- Lack of available historic material.
- Durability, an alternative material should have proven durability.
- Appearance, an alternative material should have a similar profile, texture and finish.

Artisan Hardie Siding
Beachtown, Galveston



Artisan Hardie Siding
Beachtown, Galveston





- Island Home Inspections- Gene Montgomery (licensed inspector)
- Aran & Franklin Engineering Inc.- Chandra Franklin Womack, P.E.

- The east elevation siding is rotted and/or damaged and must be removed.
- They both recommended the use of Hardie Artisan siding.

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Licenses 0400 Phil 406 789-0441

[illegible][illegible]

1. *What is the main purpose of the passage?*
 (A) To inform the reader about the importance of the study.
 (B) To present the results of the study.
 (C) To discuss the implications of the study.
 (D) To provide a summary of the study.

2. *Which of the following is NOT a finding of the study?*
 (A) The study found that the use of the new method significantly improved the accuracy of the results.
 (B) The study found that the use of the new method significantly reduced the time required to complete the study.
 (C) The study found that the use of the new method significantly increased the cost of the study.
 (D) The study found that the use of the new method significantly improved the reliability of the results.

3. *What is the author's attitude toward the new method?*
 (A) Positive
 (B) Negative
 (C) Neutral
 (D) Uncertain

4. *Which of the following is the best title for the passage?*
 (A) The Importance of the Study
 (B) The Results of the Study
 (C) The Implications of the Study
 (D) The Summary of the Study

5. *What is the main conclusion of the study?*
 (A) The new method is superior to the old method.
 (B) The new method is not superior to the old method.
 (C) The new method is inferior to the old method.
 (D) The new method is equivalent to the old method.

6. *Which of the following is the best evidence to support the author's claim that the new method is superior to the old method?*
 (A) The study found that the use of the new method significantly improved the accuracy of the results.
 (B) The study found that the use of the new method significantly reduced the time required to complete the study.
 (C) The study found that the use of the new method significantly increased the cost of the study.
 (D) The study found that the use of the new method significantly improved the reliability of the results.

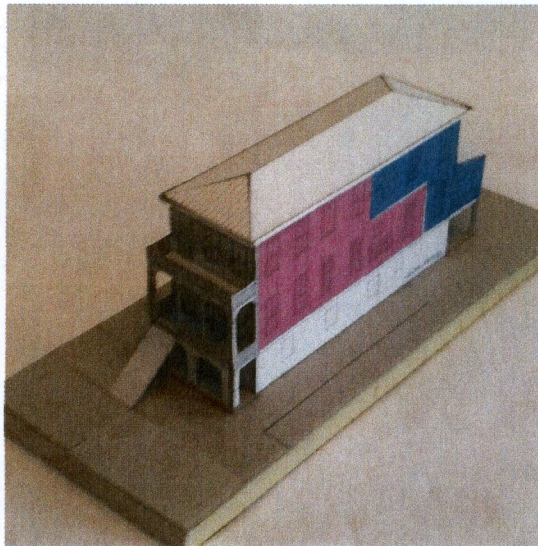
7. *What is the author's main point?*
 (A) The new method is superior to the old method.
 (B) The new method is not superior to the old method.
 (C) The new method is inferior to the old method.
 (D) The new method is equivalent to the old method.

8. *Which of the following is the best evidence to support the author's claim that the new method is superior to the old method?*
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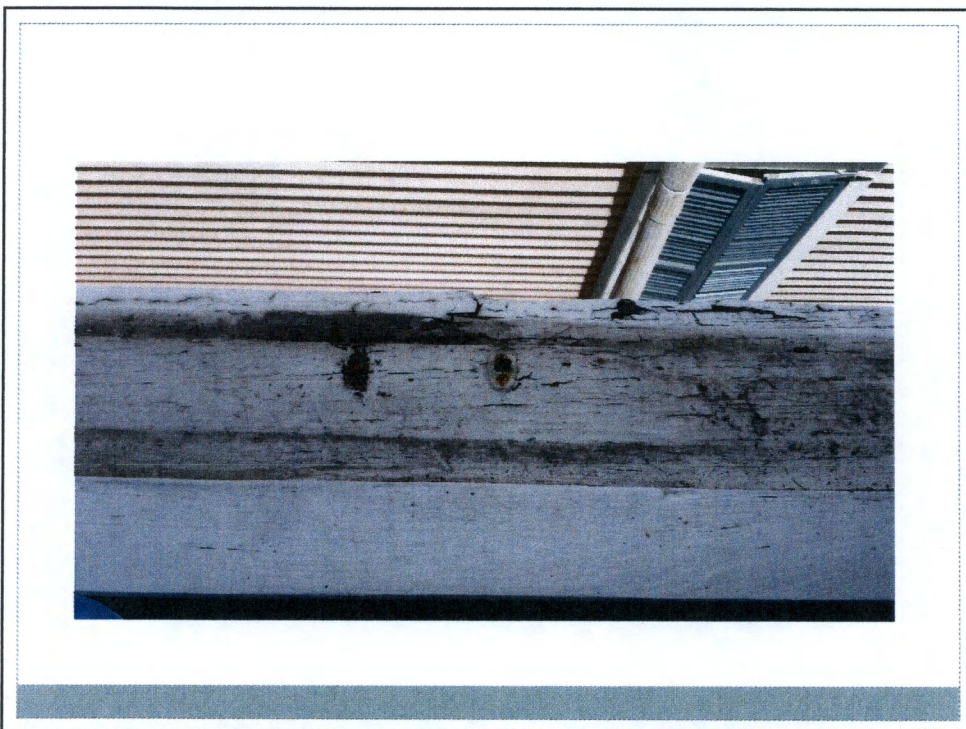
9. *What is the author's main point?*
 (A) The new method is superior to the old method.
 (B) The new method is not superior to the old method.
 (C) The new method is inferior to the old method.
 (D) The new method is equivalent to the old method.

10. *Which of the following is the best evidence to support the author's claim that the new method is superior to the old method?*
 (A) The study found that the use of the new method significantly improved the accuracy of the results.
 (B) The study found that the use of the new method significantly reduced the time required to complete the study.
 (C) The study found that the use of the new method significantly increased the cost of the study.
 (D) The study found that the use of the new method significantly improved the reliability of the results.

Model of 1622 Market Street: **pink** color indicates area of rot and damage.









Catherine Gorman

From: Kelly Wilkerson <thebank84@bellsouth.net>
Sent: Tuesday, June 03, 2014 3:59 PM
To: mullican@wt.net
Subject: Re: Horizontal beveled lap siding

yer welcome!

The Bank

1824 Felicity St

Nola 70113

504-523-2702

We are open Monday thru Friday, from 9 am to 5pm;
Saturdays from 9am to 2pm

On Tuesday, June 3, 2014 2:25 PM, "mullican@wt.net" <mullican@wt.net> wrote:

Hi Kelly

Thank you for your quick and honest response. It is greatly appreciated.

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

--- thebank84@bellsouth.net wrote:

From: Kelly Wilkerson <thebank84@bellsouth.net>
To: "<mullican@wt.net>" <mullican@wt.net>

Subject: Re: Horizontal beveled lap siding
Date: Tue, 3 Jun 2014 10:14:43 -0500

Sorry but that would be none, nada, zip

Kelly Wilkerson

On Jun 2, 2014, at 11:13 PM, <mullican@wt.net> wrote:

Hi The Bank

I was given your name by some folks in Galveston. I understand you may have a large quantity of historic horizontal beveled lap siding. I need 2,000 linear feet of preferably cypress in good shape (no cracks or splits). Please let me know approximately how much you might have.

Thanks in advance

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

Catherine Gorman

From: Suzanne Kittel <swk@discoverys.net>
Sent: Saturday, May 31, 2014 3:32 PM
To: mullican@wt.net
Subject: RE: Form Submission - Test Form - Horizontal beveled lap siding

He said all is not good shape.

From: mullican@wt.net [mailto:mullican@wt.net]
Sent: Saturday, May 31, 2014 3:27 PM
To: swk@discoverys.net
Subject: RE: Form Submission - Test Form - Horizontal beveled lap siding

Hi Susanne

Thanks for getting back to me so quickly. Yes, Roger had mentioned he probably only had about 300 linear feet of historic beveled wood lap siding in good shape available. Is that correct?

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

--- swk@discoverys.net wrote:

From: "Suzanne Kittel" <swk@discoverys.net>
To: <mullican@wt.net>
Subject: RE: Form Submission - Test Form - Horizontal beveled lap siding
Date: Sat, 31 May 2014 14:57:46 -0500

I believe you talked to my employee, Roger regarding this earlier.

Thanks,

Suzanne

From: Squarespace [<mailto:no-reply@squarespace.com>]
Sent: Saturday, May 31, 2014 11:49 AM
To: swk@discoverys.net
Subject: Form Submission - Test Form - Horizontal beveled lap siding

Name: David Mullican

Email Address: mullican@wt.net

Subject: Horizontal beveled lap siding

Message: I need to reside a home in Galveston. A lady by the name Connie Patterson told me you had 10 houses worth of siding. I need 2,000 linear feet of cypress beveled lap siding in very good shape. I am removing that amount from my house ASAP. My number is 409-457-6783. Please call soon and let me know.

David Mullican, Architect

(Sent via [Discovery Architectural Antiques](#))

ISLAND HOME INSPECTIONS

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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

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May 19, 2014

David Mullican
1622 Market Street
Galveston, TX 77550

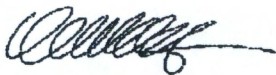
Re: 1622 Market Street
Galveston, TX

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



Main Street! Matters

A MONTHLY PUBLICATION OF THE TEXAS MAIN STREET PROGRAM

DECEMBER 2012 • COMMUNITY HERITAGE DEVELOPMENT DIVISION • P.O. BOX 12276, AUSTIN, TX 78711 • 512.463.6092

Spotlight on Georgetown

(Population approx. 47,400)

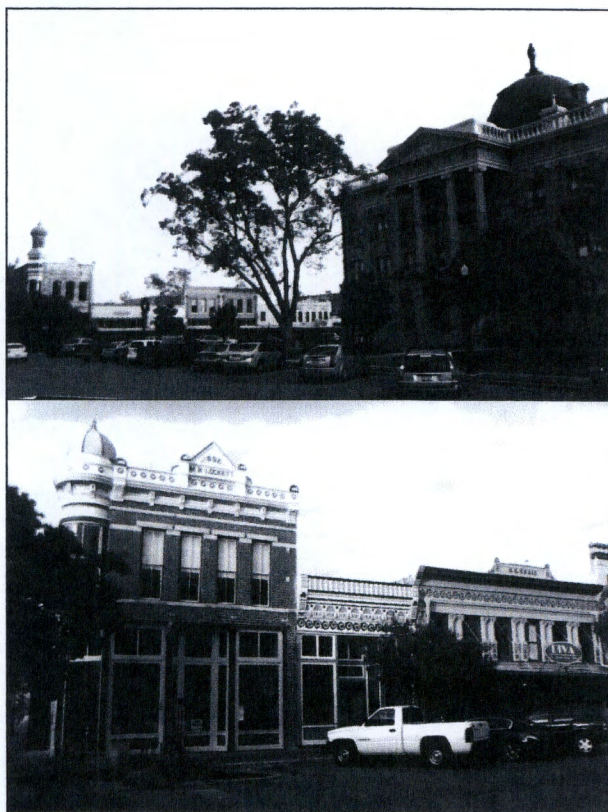
Georgetown many reasons to celebrate this season, not the least of which is 30 years of successful downtown revitalization efforts that have transformed this one neglected downtown into a thriving, vibrant economic, social and cultural center. Now branding, marketing and holiday programs that promise to "light up" downtown Georgetown are covered in this issue of Main Street Matters.



Georgetown Main Street (GMS) celebrates 30 years as a Texas Main Street city. Pictured from left are: Linda McCalla, first GMS Manager, Shelly Hargrove, GMS Manager, Sarah Blankenship, Texas Main Street Program (TMSP) staff, Julian Read, husband of Texas Main Street founder Anice Read, Janie Headrick, former TMSP staff, Debra Farst, State Coordinator, TMSP, Dick Ryan, former TMSP Architect and Allison Ryan (wife), and Terry Colley, Deputy Executive Director. THC

The 30th Anniversary
Georgetown proudly celebrated 30 years of downtown revitalization on Nov. 14. The newly-branded Most Beautiful Town Square in Texas branding effort touts the city of Georgetown's and Georgetown Main Street's many years of hard work towards the revitalization of the historic downtown. Along the way,

Georgetown Main Street and historic downtown have been recognized many times with awards such as: 1997 Great American Main Street award; 2002 Best Downtown Marketing Program by the Texas Downtown Association (TDA); 2003 Renee Hanson, Main Street Hero recognized by the National Main Street Center; 2004 Preserve America designated city; 2006 Best Promotional Event (Red Poppy Festival) by TDA;



Historic downtown square in Georgetown

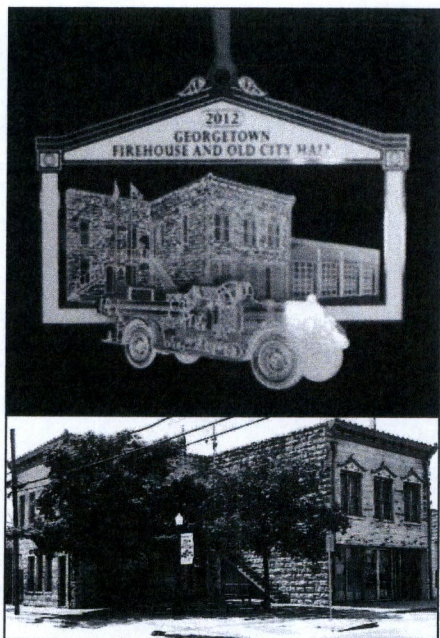
2006 Local artists created downtown mural "Discover Georgetown All Over Again"; 2007 Best Marketing Program (co-winner) by the Texas Downtown Association; 2009 First Lady's Texas Treasures Award from, the THC; and, 2012 co-winner of the Best Promotional Event (Georgetown Swirl) from the TDA. In 2003, local resident, Renee Hanson, was recognized by the National Main Street Center as a national Main Street Hero. Many

downtown businesses and local volunteers have contributed to all of these successes throughout the years.

Greatly contributing to the success of historic downtown is the restored historic neoclassical revival style Williamson County Courthouse, circa 1910. The beautiful courthouse was rededicated after restoration through the Texas Courthouse Preservation Program of the THC in December of 2007. This restoration won the best restoration award in 2008 from the Texas Downtown Association.

Main Street Holiday Ornament

The historic firehouse, featured on the 2012 holiday ornament, is currently undergoing rehabilitation. The building was constructed in 1892 as the mayor's office, city council chambers, city jail, fire department, and the Georgetown Water Co. In 1984 it became a Regis-



Georgetown Main Street Program's 2012 collectible holiday ornament features the historic fire station, soon to be the Georgetown Art Center.



With a \$30,000 matching grant from the city and \$30,000 private/non-profit funds, the Light up the Square project lit 34 red-oak trees around the square.

tered Texas Historic Landmark (RTHL). The two-story building will be converted into an arts center (with city offices on the second floor) that will provide art classes such as painting and drawing for the community as well as a gallery space to display local art. The plans to change the storefront, while still repairing and retaining all the historic wood windows and pressed metal, were approved last month by Georgetown's Historic and Architectural Review Commission. As an RTHL, the modifications also had to be also approved by the THC's division of Architecture. The one-story building with four garage door bays was an addition built adjacent to the historic fire station in 1971. This portion of the building will be converted into a restaurant. Simultaneously, the sidewalk in front of the buildings in this block are being widened to allow greater capacity for outdoor seating.

Light Up the Square Holiday Lighting Campaign

The "Light Up the Square" holiday lighting campaign was the brain-

child of Main Street advisory board member (and original Georgetown Main Street manager) Linda McCalla last year when she suggested professionally lighting the 30-year-old red oak trees around the square during the holiday season. With a \$15,000 matching grant from city council, the Main Street advisory board raised \$15,000 in private/nonprofit sector funds in a month and a half to light 24 oak trees. The project was so successful and attracted positive comments from numerous locals and visitors that city council allocated \$30,000 in the 2012 budget if the Main Street advisory board was up for the challenge of matching another \$30,000 with private sector funds. They were, and now 34 oak trees around the square and one block off the Square were turned on with the courthouse lights at the annual Lighting of the square event on Friday, November 23 in conjunction with Williamson County to help officially launch the holiday season in Georgetown.

HAPPY HOLIDAYS

SMALL BUSINESS SATURDAY - NOVEMBER 24

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SHOP.GEORGETOWN.ORG

Multiple city departments participated in a downtown team and pooled their advertising dollars to launch the first cooperative interdepartmental advertising Happy Holidays campaign. This effort also supported Shop Small Business Saturday with the Shop Small logo incorporated into cooperative business ads.

New Marketing Campaign

The "Most Beautiful Town Square in Texas" is downtown Georgetown's new marketing campaign. The City of Georgetown unveiled the new brand for the Georgetown Square at the beginning of 2012 at one of Georgetown

Main Street's quarterly 'Breakfast Bites' meetings. A new brand strategy for Georgetown came as a recommendation from a market study report on the downtown district by local agency IF Marketing & Advertising as a way to effectively promote downtown Georgetown

and reach consumers. The idea of the "Most Beautiful Town Square" brand was soon born when a downtown Georgetown property owner from California said he had traveled to numerous cities across the nation and Europe, and he thought Georgetown had the most beautiful town square he'd seen.

Happy Holidays Advertising Campaign

The City of Georgetown recently organized a downtown team made up of staff members from several city departments including Main Street, the Convention & Visitors Bureau, Public Communications, Economic Development, and the Public Library/Arts & Culture. This downtown team decided to pool advertising dollars and launch the first cooperative interdepartmental advertising campaign. The group agreed that a strong picture is worth a thousand words, so professional photos taken from last year's lighting of the corner oak trees on the square would be the main focus of the Happy Holiday advertising campaign. First, a billboard was designed to go up on the well-traveled I-35 at Yager Lane to target the commuters to and from the North Austin, Round Rock and Georgetown area. Secondly, Duratran signs in the Round Rock Premium Outlet's food court area as well as on a directory sign were reserved to focus on shoppers from throughout the Central Texas region. Print ads in popular regional, statewide, and local venues like *Austin Monthly*, *Texas Monthly*, *Texas Highways*, and the local City Lights movie theater were purchased. Finally, a Shop Small Business Saturday cooperative ad on the back cover quickly filled up by downtown businesses for the local



Holiday billboard targeting Austin/Round rock commuters

Focus on Georgetown magazine's November issue. It helped raise more awareness of the shop local date, as well as a December cooperative ad due to the popularity.

Future Brand Projects

Future projects are planned to further market the most beautiful town square logo including quarterly updates to the Round Rock Premium Outlet signs and new downtown light pole banners that show photos of actual downtown Georgetown property, business owners, and employees. With Grape Creek Vineyards, Thunder-Cloud Subs, the Georgetown Art Center, and a corner park opening by March of 2013, we hope visitors will plan to attend March 2 on our most beautiful town square to sip, savor, shop and swirl around the square at the award-winning Georgetown Swirl. Cheers to the holidays!

Thanks to Shelly Hargrove, Georgetown Main Street Manager, for providing this article.

MAIN STREET AROUND THE STATE

Elgin

Elgin celebrated the 25th anniversary of its Hogeys Festival, the ma-

jor fundraiser for the Elgin Main Street program. Elgin went whole hog this year with a silver anniversary celebration of the Hogeys Festival, a time for warm hearts and hot guts. The

street festival has grown to encompass an eight block area in the downtown district. Sponsorships this year were at an all-time high and included major corporate sponsors Southside Market and Barbeque, HEB Grocery, and Munday Chevrolet. New in-kind sponsors such as Run-Tex helped welcome folks to Elgin and the festival. A partnership with Meyer's Elgin Sausage, the Elgin Chamber, Main Street and KEYE television resulted in outstanding television coverage for the week prior to the festival. Festival chair Forest Dennis and Co-chair Keith Joesel worked hard throughout the year to capture the anniversary moment. Limited edition, commemorative souvenirs were created including a hand silk-screened festival poster. October 27 was a great day with record-breaking crowds, music on three stages, handmade arts and crafts, piglet plaza children's activities, Lone Star Car Club Car Show, Gordon Swenson BBQ Pork Cook-Off, In a Pig's Eye Dart Contest, the crowning of King Hog or Queen Sowpreme, Lindsay Kay Wing Children's costume pet parade, a carnival, Hogalicious Desert Contest, Cow Patty Bingo, the Pearls Before Swine Art Show and great food! The estimate for this

25th anniversary festival fundraiser for Elgin Main Street is \$24,000.

In December, Elgin will also have its FestiviTrees, which will include trees displayed in local Elgin businesses that are decorated with or created from recycled materials. Votes for the people's choice for best tree will go into a drawing at the end of December for prizes. See City of Elgin's Facebook page for a complete list of trees.

New Braunfels

The City Council in New Braunfels passed the establishment of a downtown historic district in May. This was celebrated with the unveiling of street signs with this designation in late October.

Winnsboro

R.H. McCrary Hardware Store received the Texas Treasure Business Award from the THC for 100 years in business. The Main Street Board held a presentation and reception in November at the depot and many community members attended. Mayor Carolyn Jones presented the THC award and the recognition from Governor Perry to the owners, Robert and Shirley Watters. Shirley Watters was the leading force to get Winnsboro into the Main Street Program.

Also, Winnsboro will be featured in the January 2013 issue of *Texas Highways* Magazine. Randy Mallory, writer for the magazine, was in town during the 3rd Friday Art Walk in September visiting with downtown businesses and gathering info for the article. Watch for the January article.

Vernon

In November, the Vernon Main Street promotion committee established a co-op ad opportunity for several local businesses to pool their money to buy an advertisement in a publication of their

choice. Under this initial purchase, 10 local business people contributed a total of \$480 to buy three half-page ads in *Antiquing Texas*, which is a specialized industry newspaper distributed in antique stores throughout the state. The Vernon Main Street Program also supported this effort by contributing another \$240. By collaborating together, each of these merchants may buy a half-page ad in which they are mentioned by name, every month for the next three months, and their cost will be only \$16 per month. The hope is that this can be a model for other collaborative advertising efforts in the future.



Did you know...

that there are 87,265 total listings in the National Register of Historic Places? 1,052 properties were listed in Fiscal Year 2011, which represent more than 1.4 million individual resources. In addition to the honor associated with having your property listed in the National Register, this recognition is generally the first step for receiving preservation funding from state and local governments. Also, owners may be eligible for tax credits that can help offset the costs of rehabilitation.



Historical Marker Database

Ever wonder what that historical marker that you just zoomed past on the highway was about? Or, have you been on vacation strolling through a historic Main Street city and wonder if there are any historical markers nearby? Search for the

Historical Marker Database app for smart phones. The Historical Marker Database also has a great website at www.hmdb.org

EVENTS

If you would like one of your Main Street events posted here, email jill.robinson@thc.state.tx.us at least three weeks ahead of the month in which you want the posting.

Dec. 1, Elgin

Holiday by the Tracks includes visits with Santa Claus, food, activities for the kids, store specials throughout downtown, fresh produce, and unique artist creations at the gazebo. Official pictures with Santa help raise money for the Friends of Elgin Parks. Live music and entertainment throughout the day at the Gazebo will conclude with a Live Nativity produced by St. Peter's Lutheran Church. Elgin is also home to two Christmas tree farms ready for tree picking during Holiday by the Tracks. The Chamber of Commerce, Main Street Board, and City of Elgin Parks & Community Development Department organize Holiday by the Tracks as a community celebration of the holidays. Times are 10 a.m.–4 p.m., see www.elgintx.com/holiday.asp. At dusk, there will be a holiday lighted parade sponsored by the Elgin Volunteer Fire Department and will include Santa waving from an antique fire truck.

Dec. 1, Ferris

Enjoy Christmas on the Square on Saturday in historic downtown. Taste the delicacies, take photos with Santa, and enjoy the holiday music, hay rides, food contests, and live and silent auctions. There will be a free movie after dark in the pavilion. See http://cityofferris.org/index/index.php?option=com_jcalpro&Itemid=38&extmode=view&extid=576

Dec. 1, Palestine

Use ghost hunting tools including EVPs, black lights, digital photo and video, EMF detector, and pre-recorded video surveillance ghost monitoring to find the ghosts of Christmas past in this holiday hunt at the historic jail. This same evening, attend the holiday parade and tree lighting in historic downtown. See

www.visitpalestine.com/events.htm

Dec. 1, Rockwall

Old Town Christmas Market

The Old Town Christmas Market is an open-air art market offering complimentary warm beverages, holiday music, art, homemade goods, and crafts from 9 a.m. to 2 p.m. The Market is located across the street from the courthouse hosted in conjunction with the 42nd annual Kiwanis Holiday parade. See

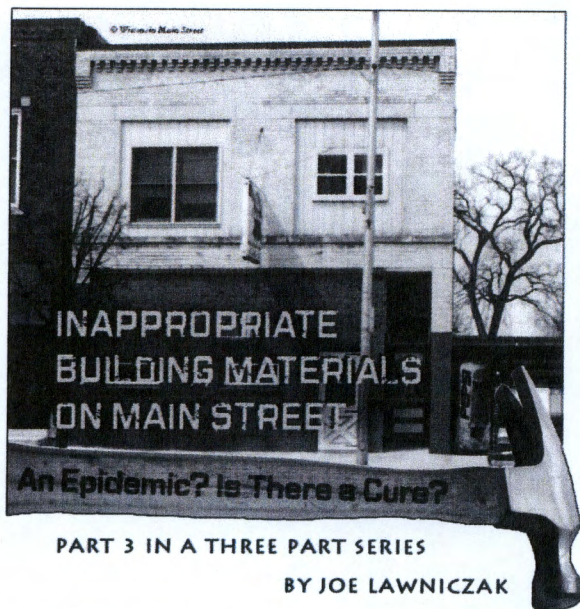
<http://mainstreet.rockwall.com/events.asp>

Dec. 6, Levelland

Visit Santa, enjoy local school choir performances, participate in the Miss Merry Christmas Pageant (fundraiser for downtown improvements), view the Festival of Trees (which involves a canned food drive for the local food bank), and enjoy the lighted parade all at Christmas on the Square from 5:30–7:30 p.m.

Dec. 6, New Braunfels

Wassailfest began in 1992 as a way for downtown merchants to thank customers for their patronage and to highlight the beauty of downtown New Braunfels during the holiday season. Sample free wassail through the streets of downtown while local merchants compete to win prizes. Live music, beautiful holiday lights, a variety of foods, and delicious wassail. See www.downtownnewbraunfels.com



PART 3 IN A THREE PART SERIES

BY JOE LAWNICZAK

FOCUS ON MAIN STREET DESIGN

The following article, Part 3 in a three part series, is reprinted with permission. See the October issue for Part 1 and the November issue for Part 2.

Are All Substitute Materials Inappropriate?

Now that we've discussed some of the common inappropriate materials used on Main Street, it is only fair to discuss a few materials available today that may be considered equal substitutes to the original, if used correctly.

Fiber-Cement Siding

Probably the most talked-about product today is fiber-cement siding, commonly known as Hardi-Plank, MaxiPlank, and Cemplank, among other trade names. Fiber-cement siding was first developed by James Hardie Industries in Australia more than 100 years ago. The company discovered the process for its construction while researching building materials that could withstand the wear and tear associated with extreme climates.

Fiber-cement siding is extremely strong and resistant to fires, insects,

and rot. In the past, it consisted of cement and asbestos. Today, however, wood or paper fibers are used in place of asbestos.

Fiber-cement siding comes in three common textures: fake wood grain, smooth, or stucco. It is generally recommended that the smooth texture be used as it best replicates the look of wood. The siding's typical thickness is about five-sixteenths of an inch, making it very strong and rigid. The

pieces range in width from 6 to 12 inches and are installed in much the same way as wood siding. With this range of widths, it is easy to replicate the reveal width of the original wood siding. Corner boards and trim are also installed in a similar fashion to wood.

Fiber-cement siding differs from vinyl siding in a number of ways. First of all, it is often used to *replace* deteriorated wood siding, not merely to conceal it. This type of siding does need to be painted, but it absorbs paint in an enduring way. Peeling and chipping are rare if the paint is applied properly. In most cases, fiber-cement siding costs less than top-quality vinyl siding, but since it needs to be painted, the

final cost will usually be a little more than vinyl. The difference in quality and durability, however, is extraordinary.

In some cases, fiber-cement siding is used only to replace the bottom few rows of wood siding and/or trim where rotting or insect infestation is more prevalent. Once painted, and as long as the widths and the texture are the same, it is difficult to tell the difference between the original wood and the fiber-cement siding.

Molded Millwork

Another common and often appropriate substitute material is molded millwork, which goes by the trade names of Fypon, Hopper, and Chemcrest, among others. These molded millwork elements are made of high-density polymers such as polyurethane or polystyrene foam. These materials can be used on the exterior of buildings as well as on the interior. On the outside, they are commonly used to replace missing or deteriorated cornices, brackets, window hoods, etc. Molded millwork is typically factory coated with an acrylic base coat. After installation, the millwork should always be painted with a high-quality exterior coating. Because it is made essentially of foam, molded millwork should not be used on areas of the building where insect infestation is common, such as at or near grade. Molded mill-



Due to extreme deterioration, the original wood siding on this building was replaced with fiber-cement siding. Note that the original trim pattern and siding width were replicated properly.

work is lighter than wood, stone, or metal, so it is used quite often in seismic areas. Repairs can usually be made with wood filler and adhesives.

Most molded millwork manufacturers have a seemingly endless selection of shapes and profiles, and most will do custom shapes based on detailed working drawings. It is generally recommended that any molded millwork replacement be custom designed to replicate the original feature unless an identical standard shape can be found. And most importantly, molded millwork should only be used as a replacement for elements that are either missing or are deteriorated beyond repair.

The "Tools"

So how can a community ensure that building rehabilitations are done appropriately or at least dis-

courage inappropriate ones? The first step is education. One of the best tools is a set of design guidelines. Creating guidelines that address proper restoration techniques, local architectural styles, local permit procedures, local history, pertinent contact information, etc., is a key step in helping building owners do the right thing. It is also important to remember that regardless of their talents, not all contractors, carpenters, or even building inspectors have experience with historic buildings. Design guidelines should be a one-stop resource for each of these entities.

For design guidelines to be truly effective, they need to be binding in some way. Incorporating them into a historic preservation ordinance is one way. Through this mechanism, all proposed building improvements within a designated area must follow the guidelines and pass

design review before a permit is issued. Another way is to tie the guidelines to local financial incentives so that only those projects that follow the guidelines and pass design review can take advantage of these incentives.

Local financial incentives act as a "carrot" to encourage proper restoration. They help offset the additional costs of proper restoration versus subpar alterations. Some commonly used incentives are loan pools and grant programs. Loan pools are typically used for facade renovations and signs, but some are expanded to include maintenance, code compliance, interior renovations, or structural repairs. Typically, several local banks pool money to be earmarked for the program. Often there is a per-project cap of anywhere between \$25,000 to \$100,000. Rates are typically set at either a percentage of or a number

The Secretary of the Interior's Standards for Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

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

FOR MORE INFORMATION

U.S. Department of the Interior, National Park Service – Preservation Brief # 8 (*Aluminum and Vinyl Siding on Historic Buildings*)
<http://www2.cr.nps.gov/tps/briefs/presbhom.htm>

U.S. Department of the Interior, National Park Service – Preservation Brief # 16 (*The Use of Substitute Materials on Historic Building Exteriors*)
<http://www2.cr.nps.gov/tps/briefs/presbhom.htm>

National Park Service, *Illustrated Guide to the Secretary of the Interior's Standards for Rehabilitation*
<http://www.cr.nps.gov/hps/tps/tax/rhb/>
Also available from the National Trust Main Street Center at www.mainstreet.org

Advisory Council on Historic Preservation (ACHP) website:
<http://www.achp.gov/economic-statewide.html>

of points below prime, e.g. 75 percent of, or 2 points below.

Grant programs are often considered a better incentive than low-interest loans. Typically these are 50-50 matching grants used for facade renovations and/or signage. They range from \$500 to \$10,000 or more per project, depending on the community. The money for these programs often comes from various fund-raising efforts, block grant funds, private foundations, etc. Many donors prefer to have their money used for programs that will produce positive physical improvements. Again, only those projects that follow the guidelines and pass design review should be issued these incentives.

There has been much discussion of design review. This is often the last step in ensuring proper restoration. Thus, the make-up of a design review board is extremely important. It should include people who have an understanding of historic preservation, architecture and design.

No matter how you look at it, the decisions made by a design review board affect what a person can or cannot do to his or her personal property. There is a fine line between being too lenient and too stringent. If the board is too lenient, it can jeopardize the historic integrity of the buildings. Too stringent, and it can become a negative step in the permit process and drive businesses, developers, or investors away. Members must be diplomatic and willing to compromise when appropriate, yet stand firm when needed.

The Need for Guidelines

In addition to local preservation tools, there are state and federal programs available that can encourage the restoration and reuse of



For design guidelines
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historic buildings. Some of these programs are designed to ensure that these restorations are done correctly. The most common are the historic rehabilitation tax credits available nationwide. For tax credit information, contact your state historical society.* These tax credits have generated economic activity and investment while at the same time making sure that projects adhere to the federal design guidelines contained in the Secretary of the Interior's Standards for Rehabilitation. While other state and federal programs generate economic activity, most do nothing to hold the rehabilitation work to any standards. As a result, projects that receive these funds are frequently permitted to perform inappropriate alterations. This is a big problem for Main Street.

In one state for example, an upper-floor housing rehabilitation project utilized the U.S. Department of Housing and Urban Development's HOME Rental Rehab dollars.

While the building was not a certified historic structure, it was located in the heart of a historic Main Street district. Because it was not technically historic, the Secretary of the Interior's Standards did not apply. As a result, the owners were allowed to remove the historic windows, infill most of the opening, and install undersized vinyl windows. This is not an isolated incident. Across the country, many statewide energy programs provide

grants to remove and replace historic windows. Many brownfield programs promote demolition, and the list goes on. Those of us involved in Main Street need to advocate for the enforcement of design standards on all state and federally funded projects that involve any buildings, regardless of age or historic status. Even a non-historic building that undergoes inappropriate alterations can have a negative effect on our districts, and public dollars should not be contributing to this downward slide.

With ongoing education, local financial incentives, and historic preservation tools, building owners who want to do the right thing will have the know-how and resources to do it right. And with dedication and determination from Main Street programs, hopefully the others will follow suit.

Thanks to Joe Lawniczak, the Design Specialist for Wisconsin Main Street for providing this article. In his more than 10 years with the program, he has worked with countless building owners throughout Wisconsin in planning for the restoration of their historic buildings. Prior to this he was an active volunteer for On-Broadway, Inc., a Main Street district in Green Bay, from 1995 to 2001. Also, thanks to Audrey Holt, Texas Main Street project design assistant, for obtaining the correct permissions and reformatting the article for this newsletter.

Article reprinted with permission. Originally printed in in the November 2006 issue of Main Street News, (currently known as Main Street Now), the monthly journal of the National Trust Main Street Center.

*In Texas, the THC is the contact for information about tax credits.

Help Write the Story of Downtown's Future

By Mary Jo Filip, Main Street Program Director

I read a little story that went something like this:

A man was often asked by visitors what the people from his town were like. He would in turn ask them what the people from their town were like. Some would complain but others would speak warmly of the people and place they were from. He would then tell them that they would probably find the same was true in this town.

What's the message being given about our downtown? Are we speaking warmly about each of the stores? Are we talking up that there are locally-owned shops with merchandise unique only to their location? Are we saying that downtown has 20 retail stores ranging from family-owned businesses that have been around for decades to new boutiques and shops that are the dream of our local entrepreneurs? Getting this message out is very important.

Earlier this month I was asked to speak at a club meeting. I told all present the most important thing they could do to support the revitalization of downtown Seguin was to shop there. I then repeated that message and I offer it to you, too: ***The most important thing you can do to support the revitalization of downtown Seguin is to shop here!***

I feel confident that if you'll shop downtown you'll be pleasantly surprised at all that is available. Recently, as I was making the short four-block walk to work from my house, I realized that almost everything I was wearing had been purchased in locally owned retail shops in and around downtown Seguin.

My shoes were from Vogue. My top was from Queenie & Company. I had a headband for my hair from Sheek by J. I recalled that recent shower gifts for friends came from Gift & Gourmet and Paisley Patch, and greeting cards from Blessings Christian Gift Store. I had purchased a dog leash and treats and had the dog groomed at Thunderpaws, and and my most recent mattress purchase was from Starcke Furniture Company. For fun, I like to pop into The Cranny and Paperback Ranch to see what might be on the resale rack and appreciate the enthusiasm of the owner of You're So Crafty who participates in many downtown activities. My clothes get cleaned at the business located across the street from my office, and Keepers had a hand in helping to decorate the offices I share with the Seguin Economic Development Corporation.

There are other shops open or soon to open in downtown Seguin including items for sale at the Heritage Museum and Seguin Oakwood Art League, Off the Hook, and Sister Suzie's. Service businesses like chiropractic care, massage therapy, and hair styling abound downtown and often sell gift items, gift certificates, and products related to their business.

Speaking warmly about the stores in downtown Seguin is easy for me. The more challenging part is convincing new people to discover what downtown Seguin has to offer. If you already enjoy shopping at a favorite store downtown, then take a few extra minutes and go into a shop you haven't been in yet. If you haven't been in a downtown store then please plan an outing with a friend and check it out. There's now enough retail activity that you can meander through downtown and shop store-to-store. Central Park offers a terrific place to take a break with a better fountain, trees, and benches than any mall has to offer!

So please speak warmly about downtown Seguin. Talk up each shop located here as well as the other locally owned shops in our community. When you do this, you will help create the future we want: a vibrant thriving downtown that is a source of pride for Seguin.

Published in the Sept. 30, 2012 of the *Seguin Gazette*. Article reprinted with permission of the author.

Calendar of Events

- **Jan. 29–30, 2013, Llano**
New manager training prior to the beginning of Winter Training for all managers. New manager training will last all day Jan. 29 through noon Jan. 30.
 - **Jan. 30 (after noon)–Feb. 1, 2013 (noon), Llano**
Winter Main Street training for all Texas Main Street managers
 - **Apr. 14–16, 2013, New Orleans** National Main Streets Conference, theme: *Main Street and the Cultural Economy*
 - **June 4–5, 2013, LaGrange**
New manager training prior to the beginning of Summer training for all managers. New manager training will last all day June 4 through noon June 5
 - **June 5 (after noon)–June 7, 2013 (noon), LaGrange**
Summer Main Street training for all Texas Main Street managers
-

Websites of Interest

Advisory Council on Historic Preservation: www.achp.gov
African American Heritage Preservation Foundation: www.aahpfdn.org
(The) Alliance for Historic Landscape Preservation: www.ahlp.org
(The) American Institute of Architects: www.aia.org
American Planning Association: www.planning.org
American Society of Landscape Architects: www.asla.org
(The) Cultural Landscape Foundation: www.tclf.org
(The) Handbook of Texas Online: www.tshaonline.org/handbook/online
Keep Texas Beautiful: www.ktb.org
League of Historic American Theatres: www.lhat.org
National Main Street Center: www.preservationnation.org/main-street
National Park Service: www.nps.gov
National Trust for Historic Preservation: www.preservationnation.org
Partners for Sacred Places: www.sacredplaces.org
Preservation Easement Trust: www.preservationeasement.org
PreservationDirectory.com: www.preservationdirectory.com
Preservation Texas: www.preservationtexas.org
Project for Public Spaces: www.pps.org
Rails-to-Trails Conservancy: www.railstotrails.org
Scenic America: www.scenic.org
Texas Department of Agriculture: www.TexasAgriculture.gov
Texas Commission on the Arts: www.arts.state.tx.us
Texas Downtown Association: www.texasdowntown.org
Texas Folklife Resources: www.texasfolklife.org
Texas Historical Commission: www.thc.state.tx.us
Texas Parks and Wildlife Department: www.tpwd.state.tx.us
Texas Rural Leadership Program: www.trlp.org
Texas State Preservation Board: www.tspb.state.tx.us
Urban Land Institute: www.uli.org

Texas Main Street Program
Texas Historical Commission
P. O. Box 12276
Austin, TX 78711-2276, 512.463.6092, Fax 512.463.5862



TEXAS HISTORICAL COMMISSION
real places telling real stories

**Landmark Commission
Verbatim Minutes
June 23, 2014**

14LC-22 (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 east side of 1886 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.

Chairperson Linda Strevell: Are there any questions for staff before we open the public hearing for the applicant?

Robert Booth: I just wanted to introduce David Mullican, if that's appropriate. I am an attorney and assisting David Mullican with this issue. I just wanted to state as the commission knows that this is the third time Mr. Mullican has been here. I believe he has provided two (2) excellent reports that show that there is a necessity, there is significant rot and the issue today is the appropriateness of this... Mr. Mullican will certainly address some of the technical issues, but what I would encourage the commission is to base this decision upon trustworthy and reliable information before it. And not, here say or information that is not substantiated. I think that was the cause of some of the issues that Mr. Mullican had before. For example, Mr. Mullican called some of the people that are referenced in the Historical Foundation letter to the commission and found that they actually don't have enough of this siding. I think you will see the amount of siding Mr. Mullican needs to prevent the rot and further structural damage to his home.

David Mullican: I own the property at 1622 Market Street. I bought the house in the early 90's before it was in the historic district. And made the repairs before the historic district incorporated that area. I wanted to mention that after the zoning board meeting that I attended and some of you guys did. I went and pulled the permit to reside the house with the historic siding as you guys required. With the GHF material that they had promised to provide. I then went to GHF to purchase material and they couldn't explain why they didn't have any of it. After they said they did. Two comments at the first and second Landmark meeting. And they had none in between the meetings and none prior to the meetings also. I don't know what they are talking about but, they presented a letter just five minutes before this meeting started. I ran out into the hall and called the references and they have no siding at one particular location. I have another call into the other one. I just wanted to let you know that there is another wild goose chase that they have sent me on. It would be the fourth one so far. I need 2000 linear feet of siding and that's at a minimum and that's assuming a certain amount of waste if you use historic siding you are going to have more waste. If you use new wood siding you will have less waste. Same thing with hardi siding you are going to have less waste with new material. Anyway, I wanted to start from there and explain that these last minute letters are wild claims that there is 2000 linear feet of any kind of historic siding anywhere that I can find doesn't exist. I do have 29 years' experience here in Galveston. I have a master's degree in architecture in harsh environment. So, it enables me to understand what materials work down here and what materials don't. One need only go by GHF's project to see the amount of rot that's accumulating on these houses. I went over to the Mendard Mansion and it's falling apart this weekend. I did a special study of preservation and for historic

preservation. This is an example of a house that I restored and I just wanted to let you know that I do have history here, this is a house that we not only raised but we also restored. This is a house next to me that I purchased and restored. We took the asphalt siding off, we took the chain link fence out and we put the new handrails back onto the stair. This is a house that everyone knows; I did the widow's walk on this, as well as, the entire interior remodel of the house. This is a house in progress, we call it the chicken coop, it's on the corner of my street. It's in progress there, you can see we have removed some of the damage, clutter on it. This is another house across the street from that, before on the left and we are almost finished with that now. This is a house I was primarily involved with the interior remodel but it was a complete interior remodel. I wanted to point out some of the experts that have made comments in the past about hardi siding. When I say hardi siding, I mean cement board siding. And that's a generic name for it. The hardi siding is rot, flame, termite and hurricane rated. Especially important down here in the historic district is the flame retardant quality of it. That is why I proposed originally in the first meeting to do it on all three (3) sides because I am three (3) feet from one neighbor and seven (7) feet from the other. If the three (3) foot side catches on fire its pretty much going to take me with it. Now, houses are required to be ten (10) foot clear apart from each other. So, we don't have that luxury down here in the historic district. It would be nice to have a material that is fire resistant. The other comment is new wood is, fast grow woods. So, I will show you how it will warp just after a few years. It's just an invitation for trouble. The Texas Historic Commission published an article in their magazine that touted the values of hardi siding, that it is extremely strong and again, fire resistant, insect resistant, and rot resistant. It duplicates the look of wood it's extremely high quality and durable. And they are using in this case hardi siding on the primary façade. They may not take a position about it but they don't take a negative position either. It's the same as the other letter you received from the architect that is on the committee here. They are not negatively opposed to it and they are not positively opposed to it. They just don't take a stand against it. Steve Lezan has been personally involved with this with me. I met him in Beachtown many years ago and he adamantly believes that hardi siding and substantially great replacement for wood siding. For the historic siding that we no longer have a resource for. This is an example of a house here in Galveston that has been taken care of without paint on it. These houses were originally white washed for the most part when they were done over 100 years ago. And then oil based paint came in and now latex paint is the primary thing that we use and that's because it's mostly cheap. Latex smothers the wood, it rots the wood. The wood is actually better off without the paint on it. This is an example of a house around the corner from me and I know for a fact that this siding is eight (8) years old. It's painted and been maintained but you can see the warpage by the shadow lines and there is definitely issues with moisture getting up under the siding and air and all kinds of insects. The reason that you can accept a hardi siding is that we have the lack available historic material. And the fact that new wood is fast grown wood and it's just terrible material. You have the durability issue and you have the visual appearance to it. It's identical to wood once it's painted. This is an example of hardi siding in Beachtown, there are three (3) examples that I found in Beachtown. The very first one was the coastal living home it was done with Artisan hardi siding because it is twice as thick as the normal or standard hardi siding. This is a house that actually under construction and that's where I got my sample that I have been bringing in here. This is another house with Artisan hardi siding. And these are side views because I wanted you to see in relationship to what I am going to be putting on my house. I am just doing the first part of the house on my side and the problem is the front section that is actually exposed you can see from the street is most damaged, because it is least protected. So, it has the most damage along the front edge. And that's the part that needs to be replaced. This is the Coastal living house. There were two inspections done, one by Island home inspections and by Franklin Engineering Company. Both recommended that the rot and damage would be removed. And that we do our structural repairs at that point. When you replace siding you have to use pump jacks. You don't scaffold the entire side of the house. You use pump jacks that slide

up a column and you take off six (6) feet at a time and you put on six (6) feet at a time. And as you do you shore up your structural studs. That's why it needs to be taken off completely for structural reasons and also the fact that it is all rotted. They both recommended the Hardi Artisan siding because it most replicates historic siding. This is a model I did of the house; the front you see is the very narrow part with the stair. The east side is covered up, there is a line drawn where the footprint is of the house next door. It's seven (7) feet away; it goes all the way to my porch. There is a small little area you can see. Today we noted that there is a great deal of new wood already on that side, because we noticed the nail types. This is my upper front porch, this is the side that I agreed to come back and put wood siding on, historic wood siding, I don't want to put new wood siding. I'm going to try to recycle as much wood that is on the house now, so that it remains with the house that it came with. This is my upper front porch; this is the most severe damage. It's very difficult to see but these are two pictures, actually you can see the nail pops on the second picture on the right over there. And that indicates that the stud has released, the structural stud underneath has released the nail because it is rotted. That's the only reason the nail would come out. And you can see in the picture to the left almost every board all the way up are completely chipped on the corners or split. And then I have window trim issues. You can see the window trim rotted soffit under the roof. And you can see where the Air Conditioning conduit line is pulling siding away. Again, nail pops here on the right hand side. The picture on the right shows a shutter I opened the other day and it just pulled out because it was rotted. This is the window seal, Michael came by today and saw it. It's like a sponge. Most all of my window seals are that way. I have replaced some with bondo but it's not a very pretty job. This is header of a window, the header is rotted out. That's my presentation; I hope you guys will let me repair my house. It's overdue; it's seven (7) years overdue. I would have gladly repaired my house seven (7) years ago but the hurricane hit us and I have been recovering ever since. I have been saving my money and I have the money to paint and repair it now and I would like to do that.

Matt Pelz: "See Attachment A"

A quick note on that, some of the materials that I have given you. All of the Design Standards for other communities are guidelines here are pretty lenient. We have given them the opportunity to make a case we felt to do so. With, go to the sources of wood, this was not a comprehensive list, this was something I put together in a little bit of time. I only included in my emails what they sent me. I had conversations and they told me they can get old good lumber. I don't know what his conversations with these folks were.

CM Craig Brown: Does the hardi plank Artisan siding compare to the siding that you hopefully or could find somewhere. Do you have a difference in the appearance?

Matt Pelz: Well the appearance, I think that is what David has gone to, the appearance would be the same in terms of profile and things like that.

CM Craig Brown: It would be the same appearance from the street?

Matt Pelz: It is, but the issue is the loss of historic integrity. You can have something that looks the same but the historic material is gone. You still lost something that's valuable to the district.

Gary Foyt: Our mission statement the purpose of it is to preserve, restore and protect the architectural integrity of the homes. And we are totally against this.

Rebecca Hughes: When you buy in the historic district these regulations is your protection. We are not trying to come up with alternatives because many synthetic materials, you can get synthetic doors, they are often trying to put in synthetic windows and the historic district is based on the regulations that protect those who invest in that area. And who feel, which all of us do, the historic districts of Galveston are so important to the city. And if we begin to vary from the regulations this way and that. We will have a whole historic district full of various plastic. And those who have spent their money will be terribly disappointed in the historic quality of the neighborhood.

Allison Brown: I am a member of the board of the Galveston Historical Foundation. I feel this should not be approved for the reasons Gary Foyt has just stated that it is not in line with the east end by-laws. The home is located in a landmark district. He may have bought it before it was in the landmark district. It is in the landmark district as a matter of fact. He should not be able to use non-conforming material. Because the nature in the fabric of the area requires it. If we were to continue using non-conforming material products in the east end we could lose our landmark status and once we do that it's not possible to get it back. Losing landmark status means that additions can be made to the fronts of homes, and backs. We can have plastic fences; we can do things within the rules of the City of Galveston but not within the Landmark rules. We would lose our home value and that is something I don't want to lose. I don't want to lose the character of the neighborhoods. I am not in favor of these materials being used on the home.

Kevin Scott: Echoing some of the comments that have already been made. I am also opposed to the decision. I have been in the home building business for more than ten (10) years and I know the great benefits of hardi plank siding. They can match it to look like wood now but also as previously stated it will attempt to disintegrate the historic fabric of the east end historic district. And my biggest concern would be the door that it opens for future applicants to come in and propose to you guys to do the same thing.

Judy Wilke: One of the reasons we bought in the east end district was for the historic value. And I want to go on record to say I am totally opposed to this hardi plank siding. I am totally opposed to what comes before the commission periodically, what I call rubber windows, and rubber fences and what have you. That's not the issue today, it is a historic fabric issue and I think that its very important that we maintain it. May I ask a question?

Dottie Polumbo: You can ask a question but I discourage...

Judy Wilkie: It's my understanding that Michael said isn't it true that the ZBA denied it and its back here. It could end up back to ZBA again?

Linda Strevell: ZBA did not deny it, what happened was the recording did not record; there was a malfunction with our recorder that is why they remanded it back to us.

Connie Patterson: When my husband and I were considering where to buy a historic home we considered three cities. We bought our house here because of the house not because of Galveston. We bought in this city because of the history that comes with these houses. And once those houses are gone, the history is gone. I love what David Bowers said, you're not just owning a house, your custodians of it. It will pass on to somebody else. I love that Galveston has exceedingly high standards in preservation. But what's even more, we bought a house just like that, it was a mess, and we have to get siding to match, the whole nine yards. At this point in 2 ½ years we have invested well over a million

dollars in the east end on three homes. I am begging you as custodians of these building standards to protect my interest, my investment that I have put into these homes. It matters to me, I don't want to see synthetic material. I don't want to see hardi plank. You want a historic home with hardi plank, go to the Heights, it's everywhere. It's preserving this history that these houses represent. The whole reason we bought here. I am begging you for someone who has only lived here 2 ½ years who's invested my heart and soul and hard earned money, and we are not trust fund babies, to protect my interest.

Robert Booth: The issue is not losing the historical preservation or what other people have done to their homes. The issue is a necessity of the structural damage to Mr. Mullican's home and what is the appropriateness of a fix. No one can show and no one can prove and there is no evidence here that there is 2000 feet of six inch siding available. No one has shown that. And every time someone comes here and says, hey we got it. Mr. Mullican says ok and he does everything he can. So, I think the issue is what is a reasonable repair that be made. I don't know of any evidence before this board to require him to find any materials that aren't available.

David Mullican: I would like to address the comments that Connie Patterson made. She was the one to get up at the last landmark meeting and said that there were ten (10) houses worth of siding in Gonzalez, TX and I called them and emailed them. Did the research and chased the goose, they said they didn't have 300 linear feet and she was saying they had the equivalent of 50,000 linear feet. Ten house worth is 50, 000 linear feet, they didn't even have 300 linear feet. At some point you have to say, the sun has set on the fact that we get large quantities of good quality wood siding and we need to accept the fact that were are going to have to eventually replace this or lose our historic district. I have seen more demolition by destruction in the last ten (10) years than I did in the previous ten (10) years. Now, that is what is happening to Galveston, we are having demolition by neglect because people don't want to come up here and fight this fight that I am. I am willing to do it but we have to understand at this point the historic district is becoming gentrified. And I don't know if you are familiar with that term but it's where a certain group of people move in and they are having custom doors made in New England and this and that. That is beyond expectations of the typical applicant because they are scared to death to come in here. They just want to get their house fixed. Yes, I can do more of the research because that is what I do. We are kicking people out of the historic district that have lived there all of their life and they are letting their house rot because we are doing all of these custom things. I can show you houses that I am involved in doing that. We really need to tone this down and really look at the people that live in these districts. Not the people that are coming in just the last nine months and bought up all the houses because the market was good. But people that have lived there for twenty years.

Chairperson Linda Strevell: Closed the Public Hearing and bring back to the Commission.

Charlotte O'Rourke: One of the questions I have and it was brought up by several in the group, is the statement the Landmark Commission can't decide on the case by case basis that you can use or not use hardi plank. Because the way I look at these standards they clearly states that we should not on the primary facades. And in our definition the primary façade is described as the front. And then further in the standards it states there is a case by case basis that you can consider for the rear, the sides and other areas that are not the primary. And again, when I'm looking at this house I don't see that much of it that it's a really visible piece of the house. My question to staff is, does it state anywhere in our guidelines that you cannot consider it on a case by case basis.

Catherine Gorman: The standards state that alternative materials can be considered on a case by case basis.

Charlotte O'Rourke: I would like to make a motion. I move that we allow him to use hardi plank on the side that he requested and my reasons are several. It's not the primary; it gets at some point ridiculous because everything has a lifespan. Eventually when he does this he is going to have three different types of wood. I would like to see us make a decision and allow him to go forward. I see us keep going in a circle on this issue. I think we should allow him to put hardi plank on it, not highly visible and we hold the line where our by-laws say we hold the line on the primary façade. We can consider that on a case by case basis. I think this is one of the scenarios that we need to consider it.

Chairperson Linda Strevell: In conformance with the Design Standards, location highly visible secondary. The Design Standards note that preservation and repair. It's not just the primary façade.

Charlotte O'Rourke: To me, once you take off the original material you have lost the historic integrity of that whether you replace it with wood, it's not your original wood, or replace with hardi plank that looks like wood. I have seen people live here for 20-30 years and they are having extreme difficulty meeting some of the standards that we setup. If it was highly visible or on the front then I could say, yes, let's hold the line and keep it there. But, at some point eventually we are going to have to come up with an alternative to replace the wood that no longer there.

Chairperson Linda Strevell: The motion fails due to lack of a second. Do we have another motion?

Tom Schwenk: I make a motion that we accept what the Planning Department has written in this report.

George Parsons: I second that.

Catherine Gorman: I would just like to clarify that, it was a motion for denial.

Tom Schwenk: Yes, it is.

Michael Culpepper: I think it would be appropriate to go into some of the reasons why.

Tom Schwenk: My simple reason for voting to deny it is simply because of what the Design Standards say. Mr. Mullican has put a lot of work into this but the simple fact of the matter to me is the Landmark Commission is what our Design Standards state today. As they are now, I think that the only thing that we can do in my opinion is to deny it.

Chris Smith: I have restored my house, twice. Replacing the siding you cannot, I have also built a new structure in the east end using the Artisan. You will also have to replace all of the trim, i.e the drips above the windows, all of the casings in the window sills, which you will have to do.

Michael Culpepper: The window sills are very rotted. And that's probably the worst part of the whole side there. As far as the siding goes, I don't, there are some cracks and such and nail holes, but I don't see that damage beyond the repair to wholesale.

Charlotte O'Rourke: I am not going to vote with the motion, primarily because it is not a primary façade, we are allowed to make a decision at any point to remove the siding it must be removed, it's no longer historic even if you buy a piece from the salvage yard. It's not specific to that house anymore. And the main reason I think is because I want to live in a home and I want that home to be safe and nice and sturdy. And one of the things, you can't tell the difference once it's painted and I don't expect people to come crowding up in my yard and climbing a ladder looking to see if it's hardi or wood.

George Parsons: I feel that because hardi it is a engineered product. It will look a little bit different. It's not going to warp like wood, wood will so imperfections over time.

Chairperson Linda Strevell: I am really standing with the Design Standards, that's what we go by. But, also with the issue of 2000 feet of wood repair, do you actually need 2000 feet? That's the figure that has been used. But, I am not convinced that 2000 feet of wood material....

Chris Smith: I have lived in my house for fourteen years and I am very glad that there are people willing to move into the districts and fix up the houses. As should everyone else in the district. Gentrification is a very good thing.

Chairperson Linda Strevell: I will call for the vote. All in favor of this motion:

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

The motion to deny, passed.

Galveston Historical Foundation

June 23, 2014 Landmark Commission Comment

1622 Market

We understand that the applicant is proposing to remove the original 1880s siding from the east side of the house and to replace it with Hardiplank. The City of Galveston Design Standards for Historic Properties allow the Landmark Commission to "consider alternative materials located on a residential accessory building, addition, or rear façade." In the section on "Using Alternative Materials on a Historic Structure," the Design Standards state that

"Removing original material diminishes the integrity of a historic property by reducing the percentage of building fabric that remains from the period of 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."

The Design Standards also state that owners should

"Replace only the amount of material required. If a few boards are damaged beyond repair, for example, then only they should be replaced, rather than the entire wall."

Strictly speaking, the Design Standards do not permit the Landmark Commission to consider Hardiplank as the guidelines only permit consideration of such materials on an accessory building, addition, or rear façade. None of those circumstances apply as the applicant instead proposes use of the material on a *side* – or primary - elevation. Therefore, since the section pertaining to consideration of alternative materials only applies if their use is permissible to begin with, and since the Landmark Commission may not consider Hardiplank for use in this circumstance, then the appropriateness of Hardiplank is irrelevant. However, even if the Commission does consider the appropriateness of his selected alternative material, the applicant has failed to demonstrate the *necessity* for replacing the entire wall. His proposal therefore does not conform to the Design Standards.

As the Design Standards prescribe the use of "original materials to replace damaged building on a primary façade," we recommend the use of wood material to replace any boards that are demonstrated to require replacement. We have attached statements and contacts for three sources of old-growth cypress in our region. This list was compiled in little time and other sources may be available. We offer these contacts in response to the applicant's difficulty in locating sources of cypress. We do not suggest that he be restricted to use these sources or that he be restricted to using old-growth cypress.

We have also attached sections from the historic design guidelines and standards from the cities of Charleston, SC, Savannah, Key West, New Orleans, Baton Rouge, and Beaufort, SC. Each of these cities stresses the importance of retaining original exterior materials and replacing in-kind when necessary. The Savannah Design Standards and the Key West Design Guidelines specifically cite "cementitious siding" (cementitious) and "hardi-board" as inappropriate replacement materials in historic districts.