

# Minutes

## Regular Meeting

### Historic Preservation Commission

#### City of Dripping Springs

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A regular meeting of the City of Dripping Springs Historic Preservation Commission was held Tuesday, January 3, 2017, beginning at 5:30 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

#### I. CALL TO ORDER AND ROLL CALL

##### COMMISSION

Melissa Oehler - Chair

Nicholas Dotin

John Holdridge

Karl Seelbach - Vice Chair

Ted Lehr

Vacancy

Kathryn Chandler

##### STAFF

Michelle Fischer, City Administrator

Rachel Goodnight, Administrative Assistant

Keenan Smith, Exterior Design, Architectural & Land Planning Consultant

Commission Chair Melissa Oehler calls the meeting to order at 5:30 pm. All present except Commissioner Ted Lehr. Also present is Code Enforcement Manager/ Building Official Kyle Dannhaus.

#### II. PRESENTATION BY CITIZENS

*Floor open to discussion on any subject. No action may be taken by law. Citizens wishing to speak shall do so after being recognized by the Chair. The Chair may establish a time limit on each citizen wishing to speak. No one speaks.*

Commissioner Lehr arrives at 5:37 pm.

#### III. BUSINESS

*Discussion and possible action regarding:*

##### **A. Application for a Certificate of Appropriateness for Old Fitzhugh Road Office Park for a New Office Building and Adaptive Reuse Rehabilitation of Existing Two Story Building, Located at 102 Old Fitzhugh Road, Weeton Properties, LLC, Applicant**

Commission Chair Melissa Oehler asks for an explanation of what happened between the Certificate of Appropriateness approval and the tear down of the structure.

1. Report on Project by Applicant-Gavin Loftus (owner), and Alan McAden (contractor) give an overview of the demolition of the structure.  
Mr. McAden describes the condition of the structure including the following: the back half of the building was sitting on the ground; that was extensive termite damage; the original panels were very thin; and repairs to the building were not done properly. He states that the building couldn't be fixed without taking it apart piece by piece. He states that a structural engineer determined that they were not able to repair the building without taking it down. He stated that the structure was tilting, eventually resulting in it needing to be propped up. He says the structure was at risk of collapse and was not safe. Mr. McAden described how the building was taken down, the corner footings were left, he took photographs throughout the process, he stockpiled the materials, and materials will be reused.
2. Discussion and Possible Action Regarding Enforcement of Historic Preservation Ordinance and Possible Penalties

Commissioner Dotin asks why they did not wait until Monday to take the building down. Mr. McAden states that the structure was at risk of collapse and unsafe and it was a safety precaution and he was concerned with liability.

Commissioner Dotin asks why there was no fence around the site if a collapse and safety were issues. Mr. McAden states he did not think a fence was necessary and that he had cameras set up around the site.

Commissioner Dotin asks if the structural engineer gave them his determination in writing. Mr. Mc Aden states that he did not.

Mr. Loftus states that four different builders were interviewed for the project and no one would touch it. He states that the house leaned 6 feet. He states that the previous owners, the Dodson, told him that the house would not stand up, that it didn't have the integrity to keep it up.

Commissioner her asks staff if they concurred with the need for the building to come down. Keenan Smith states that the Certificate of Appropriateness approval was approached as an adaptive reuse and says he and Kyle Dannhaus met with the applicant, toured the building, saw the condition of it, and encouraged him to work with the history of the building. He noted that this building is listed as a non-conforming structure in the historic district.

Commission Chair Oehler asks if there was a point that Keenan felt that the project could not be completed within the confines of what was permitted.

Keenan states that the permits that were approved reflected new construction. The Certificate of Approval was a design approval based on what you can see from the outside, and the ones that were approved were

based on the best information that they had. He says that the approach to design of the project gets defined in the building permit stage. He recommends improving the city's process of checking Certificates of Appropriateness against building permits.

Kyle Dannhaus goes over the new process that has been implemented and what happened for the building permit to not match up to the Certificate of Appropriateness. In the future, if a building permit does not match up to the Certificate of Appropriateness, the building permit will not be issued.

Commissioner Lehr asks if it was cheaper to tear down the building and build a new building instead of trying to preserve it. Keenan Smith states that throughout the entire process, everyone's intention was to try to preserve what they could.

Mr. McAden says that it would have been cheaper to tear down the structure from the start, but he spent three weeks trying to find the best way to keep it together, and then disassembled it.

Commissioner Dotin says he disagrees with the decision to take the building down as a safety precaution, especially considering there was no fencing up to protect the site.

Commission Chair Melissa Oehler asks what materials will be reused. Mr. McAden states that they saved all the beams that were not rotten, and as much tin, siding, and rock as they could.

Commission Chair Oehler asks where the rock will be used. Mr. McAden says they are looking at creating a front seating wall that will carry on from Mercer Street.

Commission Chair Oehler mentions that the applicant might want to think about making it right with the community, many people are upset that the building went down. Mr. Loftus states that he feels he made the best decisions he could, and the previous owners are alright with what happened.

Mr. McAden recommends that the Commission fills some of their vacancies with an engineer or professional construction person.

Keenan recommends more of a front end assessment is done on a property before a Certificate of Appropriateness is issued. He also states that the Commission could upgrade a non-contributing building to a contributing one based on the significance of the site.

Commissioner Lehr asks Code Enforcement Manager/ Building Official Kyle Dannhaus if he can document the lessons learned and procedural changes that have occurred because of this situation. Kyle says yes, he will.

Keenan Smith says that Eugene Foster, a former member of the Commission and historic preservation consultant that conducted the historic resource survey of the district, recommends the Commission go beyond considering a site as contributing based only visuals, and consider other things such as the site's history, the people who lived there, emotions, and community connection.

Commissioner Lehr motions that staff compiles a set of lessons learned and procedural changes coming from this incident and present it at the next Historic Preservation Commission Meeting, along with a list of possible penalties. Commissioner Holdridge seconds. VOTE: 4:1 in favor, motion passes.

Commissioner Chandler says that, legally, it seems that the situation is over and her emotions do not affect the visuals that were being considered. Commission Chair Oehler agrees.

Commissioner Chandler motions to make a recommendation that construction projects in Historic District require fencing to go up around it. Commissioner Lehr seconds. VOTE: 4:1 in favor (Commissioner Dotin opposes), motion passes.

Michelle Fischer reminds the Commission that, at the last Commission meeting, they discussed creating a plaque or monument to honor the house. It could mention the reuse of the original historic materials, and its historical significance. Would the applicant be interested in that? Mr. Loftus states that he and his wife will consider this. Commissioner Chandler says she supports it. Commission Chair Oehler asks the applicant to submit information for the plaque with the next 90 days.

Commissioner Dotin leaves the meeting at 6:44 pm.

## **B. Selection of Historic District Street Signs**

No action taken.

## **C. Selection of Mercer Street Historic District Waste Receptacles**

Commissioner Holdridge motions approve to the Harmony in bronze style. Commissioner Chandler seconds. VOTE: 4:0 in favor, motion passes.

**D. Proposed Mercer Street Landscaping and Pedestrian Improvements**

Commission Chair Oehler and City Administrator Michelle Fischer will check back with Brent Luck who is drafting recommendations. No action is taken.

**E. Appointment of Commission Vice Chair**

Commission Chair Oehler motions to make Commissioner Kathryn Chandler the Vice Chair. Commissioner Lehr seconds. VOTE: 4:0 in favor, motion passes.

**F. Report on Administratively Approved Certificates of Appropriateness**

1. Certificate of Appropriateness for Signage for Avery Grace, located at 400 W. Highway 290

**IV. COMMISSION COMMITTEE REPORTS**

- A. Mercer Street Landscaping and Pedestrian Improvements--Ted Lehr and Melissa Oehler
- B. Signage--Melissa Oehler
- C. Benches and Waste Receptacles--Nick Dotin

**V. ANNOUNCEMENTS**

- A. Regular City Council Meeting, January 10, 2017 at 7:00 pm
- B. Regular Planning and Zoning Commission Meeting, January 24, 2017 at 7:00 pm
- C. Regular Historic Preservation Commission Meeting, February 6, 2017 at 5:30 pm

- IX. ADJOURN** -Commissioner Lehr motions to adjourn the meeting. Commissioner Holdridge seconds. VOTE: 4:0 in favor, motion passes. Meeting adjourns at 7:11pm.