

**HISTORIC PRESERVATION COMMISSION**  
**Tuesday, May 10, 2022**  
**Meeting Minutes**

**Members Present:**

Alan Mesecher.....Chairman  
Robin Craig-Hunt..... Vice Chair  
Robert Manning.....Member

**Members Absent:**

Susan Pennington..... Member  
Kenneth Wheeler .....Member

**Staff Present:**

Kelvin Knauf, Director of Planning & Community Development  
Wendy Lloyd, Planning Secretary  
Marvin Benoit, Building Official  
Lauren Rodrigue, Code Enforcement Officer

**City Council Members Present:**

None

Chairman Mesecher called the meeting to order at 5:30 p.m.

**APPROVAL OF MINUTES**

Chairman Mesecher asked for a motion to approve the minutes from the April 12, 2022, regular meeting

Vice Chair Craig-Hunt motioned to approve  
Member Manning 2<sup>nd</sup>

**Vote: 3 – 0**

**Motion Carries**

**CITIZEN COMMENTS**

None

**DISCUSSION/ACTION ITEMS**

**Consider and possible action on an application for a Certificate of Appropriateness from Cynthia Khoury to replace exterior rotten boards, pressure washing and repaint the exterior of the structure located at 605 Orange Avenue**

Mr. Knauf stated this is an application from Ms. Khoury and she had hoped to be here but she injured herself last weekend and she wasn't able to make it. We do have Ken Phillips who is the contractor who is doing the work at her house. Part of her house was done without a COA and now she has come before you for a COA and

basically it's to replace the rotted wood on the exterior of the house with like materials both on the columns and on the façade and on the eaves of the house, then paint it the same color as what it is currently painted. In your packets are photos of the work and the damage that's been done. Ken would you like to say anything more about what you are doing?

**Ken Phillips:** Mr. Phillips stated not really. We are just replacing all the wood that is on there which is not very much. The columns we had already started replacing before we found out she had to get a permit but other than that, we are just pressure washing and painting that same color. Vice Chair Craig-Hunt stated I have a question on your columns. It looks like you replaced the top half and then are you going to continue down the bottom portion of it? Mr. Phillips stated she didn't want us to. I'm not sure if it was just because of the money because we changed it out and see the bottom part where they have the little design part at the bottom, we are going to change that out. Before we took one of the beams off, they have a pole that runs down the middle of it and it's pretty sturdy so she really don't have to change that out. Vice Chair Craig-Hunt stated but it's the decorative portion that is going to stay the same. Mr. Phillips stated yes. It will be exactly the same. Vice Chair Craig-Hunt stated ok that is what's important to us is that it continues with that historic look.

Member Manning motioned to approve COA as requested  
Vice Chair Craig-Hunt 2<sup>nd</sup>

**Vote: 3 – 0**

**Motion Carries**

**Consider and possible action on an application for a Certificate of Appropriateness from Lowell Nance to construct a new house at 1909 Hart Avenue**

Mr. Knauf stated Mr. & Mrs. Nance have applied for a COA and they have sent a picture of the house that they would like to build. That's in the Dupont Homes-Bennett Addition of the historic district right there at the corner of Hart and 20<sup>th</sup>, basically right across from the Shangri-La parking lot.

Vice Chair Craig-Hunt stated it looks like it falls within the guidelines. It looks fabulous.

**Lowell & Sheryl Nance – 870 S. Naquin Rd, Orange, Tx:** Mr. Nance stated the only thing instead of the tin roof we would like the architectural shingles. Mr. Knauf stated have you thought about putting shutters on the windows? I think that would really set it off if you could put some shutters. What do you guys think? Vice Chair Craig-Hunt stated well I think that's something they can decide. It's kind of a personal preference. In a way when you look at it, it does fall under when you look at those categories and I was looking at before I came to try and clarify what we would categorize that as. So, like if you look at the Workman, not the Foursquare but more like one of the Bungalows and some of them don't have shutters. Mr. Knauf stated right but I was just thinking there in that historic district a lot of the other houses especially the Federal style houses, have shutters on them. You know maybe some black shutters but as long as it's an approved color. Vice Chair Craig-Hunt stated that could even fall under the Cape Cod somewhat that definitely has shutters. Chairman Mesecher stated have you looked at the color chart. Ms. Nance stated can I show you this color? Mr. Nance stated it's a dark gray. Mr. Knauf stated let me go get the color charts. Vice Chair Craig Hunt stated it probably falls under

the colors. Mr. Knauf stated it's within the shade. I think gray would look really good. Ms. Nance stated so it doesn't have to be an exact color match as long as it's in the shade. Mr. Knauf stated yes.

Member Manning motioned to approve COA as submitted

Vice Chair Craig-Hunt 2<sup>nd</sup>

**Vote: 3 – 0**

**Motion Carries**

**Discussion and possible action on the installation of solar panels on properties located in a historic district**

Mr. Knauf stated I was really hoping that the city attorney could be here tonight to explain this but he had another client that is taking up a lot of his time this week. In looking at it after the last meeting I happened to come across where our Legislature and Governor in the last session deep within a bill and it is deep within this bill, says that cities can only regulate solar panels the same way a property owner's association can. Property owner associations do not require certificates of appropriateness so the city attorney and Texas Municipal League attorneys' opinion that we can't regulate solar panels even in a historic district. So, basically those 2 cases that came before you, all they need is an electrical permit to install them. As long as they're installed flush with the roof and everything, they can put them up. Vice Chair Craig-Hunt stated ok but the thing about it is, we're not telling them not to put them up. Mr. Knauf stated no, they can put them up. They don't have to come get a COA to install them. Vice Chair Craig-Hunt stated but what about our ordinances in the historic? There's not any variances on that? Mr. Knauf stated state law overrides all of that. The Legislature and the Governor passed a law last legislature saying cities can only regulate in an extent that a property owner's association can. Vice Chair Craig-Hunt stated that's so wrong. So, do you have where that is in the Legislature? Mr. Knauf stated it's Senate Bill 398 and it is subchapter C, number B. Vice Chair Craig-Hunt stated so they can just put them wherever the heck they want to. Mr. Knauf stated on the roof, covering the roof, in the front yard, wherever they want to put them. Mr. Benoit stated the solar company, that engineer will determine where they need to be so that they have the longest amount of sunlight. So, if their house faces south, then most likely they're going to be on the front of the house because the southeast going to the west is where that's going to be. Putting solar panels on the north side of the house, they would not get enough sun so they would not be on the back side plus on the back side a lot of times you'll have trees. Usually when the plans come in, the engineer has already determined where he thinks that they'll get the longest period of light. Mr. Knauf stated if you remember the 2 applicants before you had the solar panels all over the roof. The entire roof was covered with solar panels. That is true all over the city, not only in the historic districts. If your neighbor wanted to put solar panels all over their roof, they can. Vice Chair Craig-Hunt stated I guess the only thing we can do is just go and try to fight the state. Mr. Knauf stated yes in the next Legislature we will try to introduce legislation to exempt historic districts from this. Vice Chair Craig-Hunt stated and historic districts should be exempt, 100 percent. Mr. Knauf stated the Governor and Legislature do not care what cities think. I think it's a tragedy. I think the state is way overstepping it's bounds into municipal affairs but it seems like that is what they like to do because it doesn't impact them. Mr. Knauf and so any way those people will not be coming back before you. I don't recall if they applied for their permits. Mr. Benoit stated they have. Mr. Knauf stated ok so we need to go ahead and approve their permits.

**Discussion and possible action on regulations concerning styles of architecture for structures in a historic district**

Mr. Knauf stated in your packet I've included a draft ordinance that I think gathered all the architectural styles that we talked about at the last meeting. I had the city attorney look at it and he doesn't have a problem with it. He recommended that we use local pictures of local properties in the historic districts with addresses. I'm reluctant to do that for a couple reasons. One is past experience people go well why'd you use my house. I don't want my house on an ordinance. Why didn't you use somebody else's house? The other thing is people may change their house and then if you have it in the ordinance, such and such address and they changed it, then you have to go back and changed the ordinance to meet the new changes that people made to their houses.

Member Manning stated the only problem I see is that being a student of architectural styles and someone who prepares them, this is all up to interpretation. I could guarantee you that no one is going to build a Gothic Revival like that in our neighborhood. So, when we do this and we put this in an ordinance, my interpretation of a Bungalow may be completely different than someone from the east coast. So, it is entirely up to the interpretation of the person because I guarantee you we're not going to have people come in and build a Late style Victorian because those cost 4 times than what the value of the home would be once it's built. We just have to be careful on how much we're asking of people who are coming in for new builds because you then could potentially be telling people you can't build in the historic district. So, the interpretation of what these are has to be really pretty wide open. What I mean is this, the characteristics of an Arts and Crafts are square columns, elevated porches and so those definitions are going to have been more in the approvals rather than a picture. I could tear it apart all day long. It's the architectural styles versus what is considered a Mission Bungalow as far as a picture goes. Each one of these has from an architectural perspective has descriptions of corners and trim and porch railings and all that stuff. That's what I'm getting at is that we can really choke down new construction in the historic district by putting too much detail into it.

Chairman Mesecher stated will these picture be more of a guideline or suggestion? Mr. Knauf stated well I think it's more for when we get plans in front of you so you can go ok is this close to one of these. It doesn't have to be exact but are there elements of the Gothic style which is the First Methodist Church is kind of a Gothic style and that's in the historic district.

Vice Chair Craig-Hunt stated well just to maybe tag on to it, I hear what you're saying and I understand that no one might come in and do the Victorian 2<sup>nd</sup> Empire but then you have a Victorian Folk which is just a good basic. Just like when you look at the house that they're going to build, it's not really necessarily here but it does fall under the guidelines and this is just referencing styles because some of it has this little Cape Cod to it and some of it has a little bit of the Victorian Folk but we all know it's the newer farmhouse look. Member Manning stated as long as in the ordinance it addresses the fact that approving a certain style characteristics of these versus here's the picture and now we need a column spire with a steeple on it. That's where I'm going with this. If they send us plans and they have elements of these. Mr. Knauf stated yes and I think that what's we intended is you don't have to duplicate these pictures exactly but if you've got like in the Gothic the walls and stuff that kind of look like it or elements is probably a good word. Member Manning stated well we've already approved it but if this ordinance is in place, we could go to these folks' plans and say well the trim on your windows does not match the characteristics of any of our approved styles and then we just start tacking on stuff and say well they no longer have a choice on what they want their house to look like. Now we're nitpicking with every detail. In their case, using their plan when I look at it from a holistic view, it's appropriate but we didn't say and I take this to the future and this ordinance is in place, then we're going to sit and nitpick and I don't want to get to the point where we say well this sort of fits the Bungalow so we're going to need you to put a bigger porch on there

and bigger columns and we're also going to need 4 inch trim on the windows but if you take certain styles of approved styles then what are the elements that we're approving or not approving. I just don't want to get into a slippery slope where we set the standard so high. Vice Chair Craig-Hunt stated so do you have a recommendation of how you think that should be worded or a recommendation because all we're trying to do is help but give people concepts of what is acceptable. What do you think would be a way to achieve it? Member Manning stated well if you put all of these, I mean I like the idea of local homes and some of the characteristics but if that's not going to work, that's not going to work. When we post some of these recommendations like I see Figure 26 Arts and Crafts, there's nothing that tells the builder what characteristics of Arts and Crafts we would like to see on their plans. Instead of saying you've got to have a dual gable, you have to have 5 foot windows with 5 inch trim. That's what stands out on Arts and Crafts in our approved image. Vice Chair Craig-Hunt stated but we're not telling them to do it exactly like that and coming from somebody in the industry like yourself and coming from this industry and I have a client and we go to the architect for example my west G client right now, they wanted to look Creole and they wanted it to look New Orleans and they wanted a certain type of column even though Creole, New Orleans you could have 5 different types of columns. So, I think that was all it is to say so if it's Craftsman, here are all the different Craftsman you could have. I mean I don't know; how do we narrow that down? Member Manning stated well you just hit on the concern I have and that is I don't think these folks had an idea when they made their plan that they wanted to build. Vice Chair Craig-Hunt stated but they did. Did you have an architect do that or did you buy that? Ms. Nance stated no, we got it off the internet. Vice Chair Craig-Hunt stated ok but it has the style that you want. An educated trained professional will be drawing up the plans not just an individual and if they go to someone then at least the architect or the builder has some type of guideline to say ok they do accept Tudors, they accept Cape Cods, they accept Empires. We didn't clarify that they can't have it all in one house. Member Manning stated well there you go. I think as long as we're not pigeon holing people that ok you either have to have a Revival or you have to have an Arts and Crafts or you have to have a Colonial because then the people go out that are uneducated or you may have a builder that is uneducated and so now he's designing a house with all these features that you might think we want. So, all I'm saying is out of all of these designs, there are common things to a historic home. There are common characteristics. I think we're capturing it here. I just think there needs to be some statements saying it's the elements within these building designs, these architectural designs which are preferred because eventually the plans are going to come to us and we're going to look at them and say boy it'd be nice if there were shutters on that home. It would really look more like the neighborhood. Vice Chair Craig-Hunt stated but we didn't make them have them. Member Manning stated no but that's what I'm saying though is that those are approved elements then they've gone to their builder and they've drawn their plans and they have 4 inch trim on their windows, they have dormers, they have a wide porch with pillars and boy that looks great, good to go. But we do run the risk of someone coming like the GLO homes. Mr. Knauf stated that's kind of what spurred all this. Member Manning stated I figured that but we have allowed those and we have had some suggestions but I would have a hard time plugging one of them on their own property. They put their home on their property and there's certain things they can do without making that home a Bungalow or making that home an Arts and Crafts. I'm more excited about accepting the elements of these. Vice Chair Craig-Hunt stated but that is what we're saying, isn't it? Mr. Knauf stated we can strengthen the ordinance. Member Manning stated it's the elements of it and I just want to make sure we're not writing something in ordinance that's going to restrict people from wanting to build here. As long as it is spelled out clearly and plainly that elements of these architectural styles should be in your design not specifically saying here's a picture. I think I'm seeing some of that in here but I'd like to see a statement that just says. Mr. Knauf stated and somewhere I think there's a balancing act of letting people build what they want and preserving the historic district because people do buy in the historic district because they like the look of the neighborhood and they do like the older homes. If you buy an older home in the historic district and somebody puts up an ultra-modern house, it's kind

of like why did I buy in the historic district. I thought it was going to stay that way. Somewhere there's a balancing act. Member Manning stated I haven't said let's scrap all the historical architectural standards and just open it up. I'm just saying if somebody wants to come and build a new home, they need to know that we're expecting some of these architectural stylings. Vice Chair Craig-Hunt stated do you see any flaws in those kind of words? Mr. Knauf stated no, I'll wordsmith it and play with it but I think I got the gist of what you are saying. Ultimately it does come to a judgement call on who sits up here on the board and boards change and interpretations kind of change but I don't know how you ever write an ordinance to prohibit that. Vice Chair Craig-Hunt stated I know from a designer standpoint when I see designers in New York buying these historic buildings and gutting them for the sake of art and you could have gone somewhere else and built a new house instead of taking out the history. It's like they take the history out for the sake of being a sheik designer. It's infuriating. Of course, you do what you want on the inside of these homes. There's no criteria for that. Member Manning stated and I'm not arguing that point at all. I'm just saying be careful on how we word things. New people coming to town and they say hey let's build here and then they come look at this and it's not read thoroughly or it's not stated plainly and it may say this is really prohibited. They want too much to build here. I just don't want that perception to be here. I agree with having the standards set and I agree with having some examples. If I were building a home, I would probably build a moderner Arts and Crafts. I love that style. I know what you have to do to do that. Mr. Nance stated I know I'm a guest but that's what I worried about coming here tonight. This was a make or break for us. If it got too detailed, then the price is up and we were out. Vice Chair Craig-Hunt stated but you came to us with a style that was very acceptable. Can I show them the pictures? Mr. Knauf stated sure. Vice Chair Craig-Hunt stated this would be a good example for us. Look through these pictures and say that you went online, you wanted to build here and look through this and see if you would feel good to submit. Ms. Nance stated I mean they're all huge but I realize it's a style. Vice Chair Craig-Hunt stated keep going, there's some smaller ones. Would you feel like we can or no? Mr. Nance stated the California Bungalow or like the Modern Bungalow. Ms. Nance stated absolutely. Vice Chair Craig-Hunt stated would that have deterred you? Ms. Nance stated no. I think broader is better that way you guys can make the determination.

Mr. Knauf stated why don't we table it and give me a chance to wordsmith it some more and bring it back next month.

Vice Chair Craig-Hunt motioned to table  
Member Manning 2<sup>nd</sup>

**Vote: 3 – 0**

**Motion Carries**

Vice Chair Craig-Hunt motioned to adjourn  
Member Manning 2<sup>nd</sup>

**Chairman Mesecher adjourned the meeting at 6:13 p.m.**