☐ TREESCAPE PLAN

# PLANNING AND ZONING CASE CHECKLIST ....

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087

P&Z CASE #   12022-004 P&Z DATE	CC DATE APPROVE	D/DENIE
ARCHITECTURAL REVIEW BOARD DATE	HPAB DATE 04/21/22 PARK BOARD DATE_	
ZONING APPLICATION  SPECIFIC USE PERMIT ZONING CHANGE PD CONCEPT PLAN PD DEVELOPMENT PLAN  SITE PLAN LANDSCAPE PLAN TREESCAPE PLAN PHOTOMETRIC PLAN BUILDING ELEVATIONS MATERIAL SAMPLES COLOR RENDERING	COPY OF ORDINANCE (ORD.#	
PLATTING APPLICATION  MASTER PLAT PRELIMINARY PLAT FINAL PLAT REPLAT ADMINISTRATIVE/MINOR PLAT VACATION PLAT	ZONING MAP UPDATED	



FOR THIS CASE TO BE APPROVED.

**OWNER'S SIGNATURE** 

# HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087

- STAFF USE ONLY	
CASE NUMBER:	
NOTE: THE APPLICATION IS NOT	
CITY UNTIL THE PLANNING DIREC	TOR HAS SIGNED BELOW.
DIRECTOR OF PLANNING:	
DATE RECEIVED:	
DECEIVED BY	

APPLICATION:  CERTIFICATE OF APPROPRIATENESS (COA)  LOCAL LANDMARK EVALUATION & DESIGNATION BUILDING PERMIT WAIVER & REDUCTION PROGRAM SMALL MATCHING GRANT APPLICATION  SPECIAL DISTRICTS [SELECT APPLICABLE]: PLOUD TOWN ROCKWALL HISTORIC (OTR) DISTRICT PLANNED DEVELOPMENT DISTRICT 50 (PD-50) SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT DOWNTOWN (DT) DISTRICT	CONTRIBUTING STATUS [SELECT APPLICABLE]:  LANDMARKED PROPERTY  HIGH CONTRIBUTING PROPERTY  MEDIUM CONTRIBUTING PROPERTY  LOW CONTRIBUTING PROPERTY  NON-CONTRIBUTING PROPERTY  CURRENT LAND USE OF THE SUBJECT PROPERTY:  COMMERCIAL
PROPERTY INFORMATION [PLEASE PRINT]	
ADDRESS 501 Kernodle St, Roc	Kuall TX 79087
SUBDIVISION Buty (n	LOT 1-R BLOCK
OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHE	CK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]
IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT? $\frown$ YES $\Box$ NO	APPLICANT(S) IS/ARE: OWNER TENANT NON-PROFIT RESIDENT
CHECK THIS BOX IF OWNER AND APPLICANT ARE THE SAME.	OTHER, SPECIFY:
OWNER(S) NAME Tim Herriage	APPLICANT(S) NAME
ADDRESS 501 Kernadle 5+	ADDRESS
Rock-11, TX 75087	
PHONE 214 607/1227	PHONE
E-MAIL tim Q tim herrigge.com	E-MAIL
SCOPE OF WORK/REASON FOR EVALUATION REQUEST	IPLEASE PRINTI
	EW CONSTRUCTION  ADDITION
	HER, SPECIFY:
ESTIMATED COST OF CONSTRUCTION/DEMOLITION OF THE PROJECT (IF APPLICAB	LE): \$ 5,000
FOR LOCAL LANDMARK EVALUATION & DESIGNATION REQUESTS INDICATE ANY A SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PAST USE(S), ETC. SPROPERTY ARE SUBMITTED WITH THIS APPLICATION.	EET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE.  ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY,  STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE
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24 inch overhand we will a	se the same siding as in oreyent.
This is part of the structu	not that was added in 1985
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OWNER & APPLICANT STATEMENT [ORIGINAL SIGNATURES REQUI	
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APPLICANT'S SIGNATURE

# Dear Board Members.

I am the owner of 501 Kernodle St, Rockwall, TX 75087. This property was developed more than 150 years ago and currently sits on just shy of an acre of land. While this was common in 1883, it is no longer common today nor is it sustainable. This is in large part due to poor drainage on the property that has been caused by the elevation of Margaret and Kernodle Streets. Significant lot drainage modifications need to be undertaken to mitigate further damage and degradation of the historic home at this site. The most impactful is the relocation of the long gravel driveway. Replacing this driveway with a concrete alternative on Williams. This will allow a swale to be cut from West to East. This swale is needed in order to divert the storm water that drains from the City streets onto the property, and under the historic home. These streets are higher than the property's foundation.

It is our intention to restore and protect this historical property and put it on a course to be maintained for another century. To date, we have literally dug the home out of the ground. We have installed a \$10,000 French drain and sump pump system to protect the home from the watershed that is occurring.

Our plan is to subdivide this property into multiple properties. This could be as many as four total, or as little as two. We believe this will put the property on a path to preservation and create a maintenance and upkeep situation that is sustainable for another century.

We cannot continue with our subdivision and drainage planning without first requesting the variance we seek today. We are requesting a waiver and variance of the City of Rockwall and the Texas Department of Transportation minimum entrance spacing. The approximate spacing I am requesting is 140' on each side vs the 200' minimum. This request is consistent with the neighborhood, area, and the immediate vicinity. In fact, there are 7 driveways within 200 feet of the proposed site.

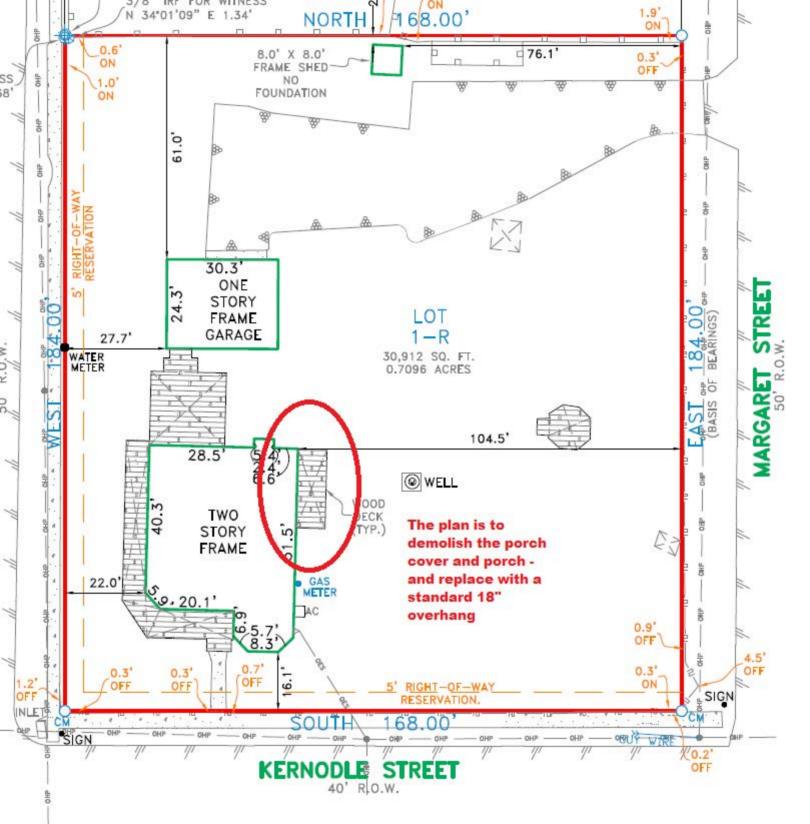
In my attached site plan, I have modified the original plan to accommodate the City of Rockwall's safety concerns. This new plan only allows entrance and exit into or from the westbound lane. This plan also allows for adequate turning radius and back up aprons, which will prevent the need and ability to reverse onto Williams.

Upon approval of this variance and the associated permit, we will finalize and submit a subdivision plan and our drainage improvement plans. These plans will address the drainage issues associated with the current lot plan – which will further protect the unique historical home we own.

As multigenerational residents, citizens, and property owners of the City of Rockwall and Rockwall County, it is our goal to increase property values, maintain the unique and historical nature of this property, and create more housing options within this highly desirable area.

Sincerely,

Tim Herriage and Jennifer Raney Herriage Jennifer's Homes, Inc

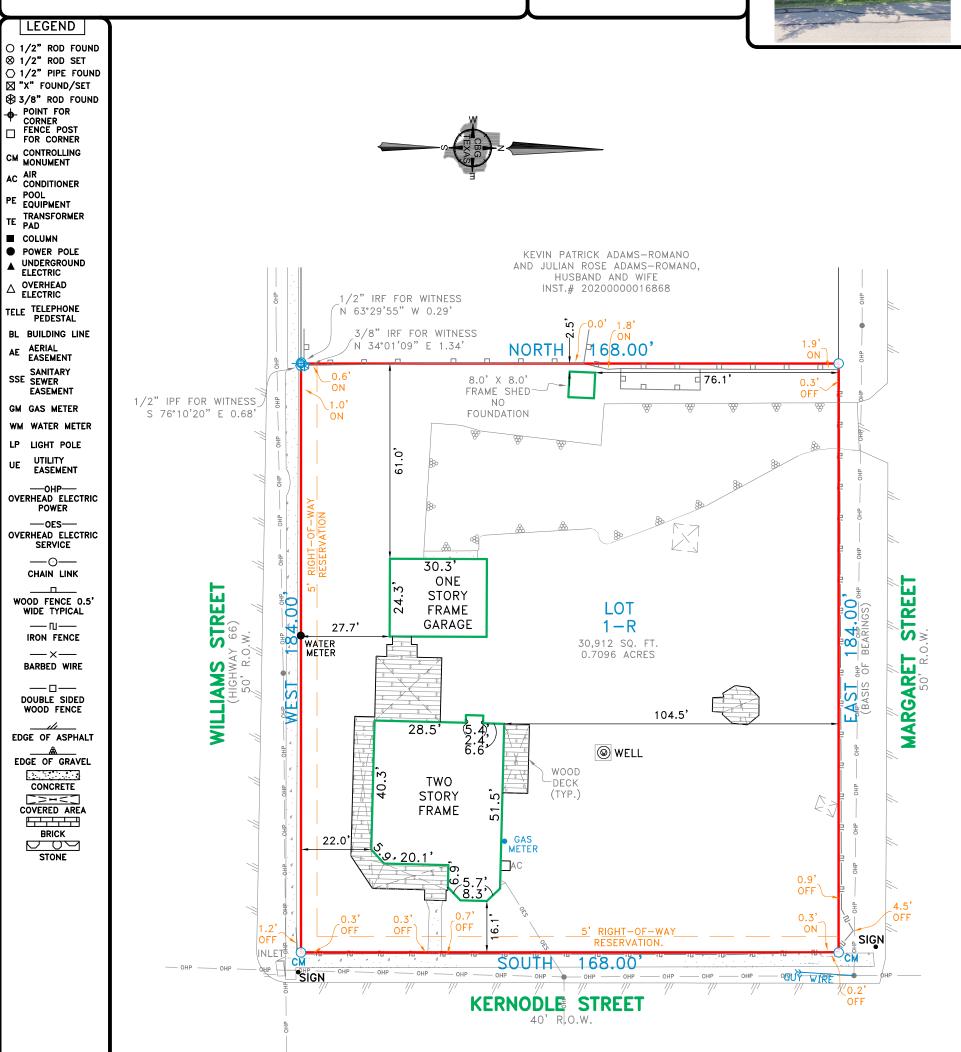


# 501 Kernodle Street

Lot 1-R, Block 2, of BUTTGEN ADDITION, an Addition to the City of Rockwall of Rockwall, Rockwall County, Texas, according to the map or plat thereof recorded in Cabinet F, Slide 221, of the Plat Records of Rockwall County, Texas.







# **EXCEPTIONS:**

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS
CONTAINED IN INSTRUMENTS RECORDED IN CAB. F, SLD. 221

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 1349, PG. 286

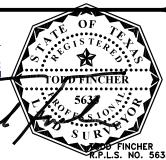
Accepted by:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone. This survey is made in conjunction with the information provided by Independence Title. Use

of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: <u>BVM/SRG</u>	
Scale: 1" = 30'	SURVE
Date: 07-23-2021	PROFESSIONAL
	419 Century Plaza Pr.,
GF No.:	Houston, TX 77075
2142620-RWDA	P 281.443.9288 F 281.443.9224
Job No. 2115553	Firm No. 10194280



Date:

Purchaser

Purchaser

F 281.443.9224

Firm No. 10194280 www.cbgtxllc.com

# Basic Eaves Configurations



# CITY OF ROCKWALL

# HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

# PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Historic Preservation Advisory Board

DATE: April 21, 2022
APPLICANT: Tim Herriage

CASE NUMBER: H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

# **SUMMARY**

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness</u> (<u>COA</u>) for a <u>High Contributing Property</u> being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

# **BACKGROUND**

The structure at 501 Kernodle Street was constructed in 1885 by M. H. McCoy. Mr. McCoy was a local businessman who also owned Rockwall's first hardware store and later became a prominent banker. The home was purchased by Jim and Pat Buttgen in 1977. During their tenure in the house the Buttgen's completed several remodels of the home including: [1] finishing the attic into a large bedroom and bathroom, [2] added a den to the lower level, [3] restoration of the pine floors throughout the home, and [4] added kitchen cabinets. During the remodel of the home, the Buttgens discovered the remains of a unique underground watering system invented by Mr. McCoy. According to the 2017 Historic Resource Survey, the house was constructed in a Modified L-Plan with Folk Victorian style influences and is classified as a High Contributing Property. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is the 2,152 SF single-family home that was constructed in



FIGURE 1: AUGUST 10, 2012

1885, two (2) covered porches -- being 176 SF and 476 SF -- constructed in 1885, a 100 SF gazebo constructed in 1980, and a 480 SF detached garage constructed in 1986.

# **PURPOSE**

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the purpose of: [1] demolishing the 176 SF porch situated on the north side of the primary structure, and [2] constructing a new driveway off of Williams Street that does not meet the minimum standards stipulated by the Texas Department of Transportation (TXDOT) or the City.

# ADJACENT LAND USES AND ACCESS

The subject property is located at 501 Kernodle Street. The land uses adjacent to the subject property are as follows:

North:

Directly north of the subject property is Margaret Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 0.43-acre parcel of land (i.e. 601 Kenodle Street) zoned Single-Family 7 (SF-7) District, and identified as a Non-Contributing Property. Beyond this are the boundaries of the Old Town Rockwall

(OTR) Historic District followed by several parcels of land developed with single-family homes that are zoned Single-Family 7 (SF-7) District.

<u>South</u>: Directly south of the subject is Williams Street, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 306, 308, and 310 Williams Street*) developed with single-family homes that are zoned Single-Family 7 (SF-7) District. 306 & 310 Williams Street are classified as *Low Contributing Properties* and 308 Williams Street is classified as *Low Contributing Property*. Beyond this is *Lofland Park*, which is a 1.377-acre public park.

East: Directly east of the subject property Kernodle Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (i.e. 502 and 506 Kernodle Street and 501 Austin Street) developed with single-family homes. All of these properties are zoned Single-Family 7 (SF-7) District, are located within the Old Town Rockwall Historic District, and are designated as Non-Contributing Properties. Beyond this is Austin Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 501 Williams Street, which is zoned Single-Family 7 (SF-7) District and is classified as a Non-Contributing Property.

<u>West</u>: Directly west of the subject property are two (2) parcels of land (*i.e. 302 and 303 N. Fannin Street*) developed with single-family homes zoned Single-Family 7 (SF-7) District. 303 N. Fannin Street is classified as a *Medium Contributing Property* and 302 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is N. Fannin Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 405, 503 & 601 N. Fannin Street*) developed with single-family homes and zoned Single-Family 7 (SF-7) District. 405 & 503 N. Fannin Street are classified as *Non-Contributing Properties* and 601 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is the boundary of the Old Town Rockwall (OTR) Historic District.

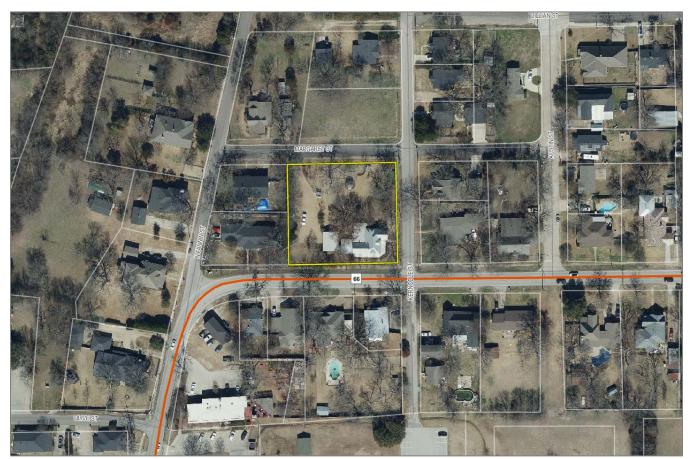


FIGURE 2: LOCATION MAP

# CHARACTERISTICS OF THE PROJECT

The applicant -- Tim Herriage -- recently purchased the subject property and is in the process of remodeling the single-family home on the subject property. As part of the remodel the applicant is proposing to [1] demolish an existing 176 SF covered porch and [2] construct a driveway approach off of Williams Street. The 176 SF covered porch is situated on the northside of the existing single-family home. According to the Rockwall Central Appraisal District (RCAD) the covered porch was constructed in 1885; however, based on the 1911 & 1934 Sanborn Maps the covered porch was not constructed as of April 1934. Staff has verified that the covered porch has been situated on the subject property since prior to 1977 based on historic records of the property. The applicant is proposing to remove this porch and create a standard 18-inch roof overhang (see Figure 5 for an image of the covered porch). According to the applicant's letter the reason that the demolition is being requested is to facilitate drainage improvements on the property, and to allow the future subdivision of the subject property into "...as many as four total [lots], or as little as two [lots]."

The applicant is also proposing to construct a new driveway along Williams Street. The site plan provided by the applicant shows that the driveway will be approximately 140-feet from the intersection of Williams Street and Kernodle Street. The applicant's letter states that the driveway will be

102 103 104 R

FIGURE 3: 1911 SANBORN MAPS

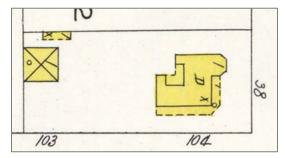


FIGURE 4: 1934 SANBORN MAPS

constructed with concrete. This driveway would be necessary if the applicant is proposing to subdivide the lot in the future. Currently, the property is served from Margert Street.



FIGURE 5: COVERED PORCH TO BE REMOVED



FIGURE 6: PROPOSED DRIVEWAY LOCATION

# CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Subsection 06.03(F), Certificate of Appropriateness (COA) for Alteration or New Construction, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [Historic Overlay (HOV) District] shall apply only to those properties ... which meet the following criteria: [1] either be a designed historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by Subsection B or be located within 200-feet of a contributing property." In this case, the subject property meets all of the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, is designated as a High Contributing Property, and is directly adjacent to two (2) contributing properties (i.e. 302 Margaret Street which is a High Contributing Property and 303 N. Fannin Street which is a Medium Contributing Property). This section of the ordinance goes on to list specific examples of projects where a Certificate of Appropriateness (COA) is required; "...examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property [include:] ...(b) Demolition or removal of an existing structure... [and] (c) alterations to the facade, including additions and removals that will be visible from a public street...". The two (2) projects proposed by the

applicant (i.e. the addition of a new concrete driveway and demolition of an existing covered porch) are projects that require a Certificate of Appropriateness (COA).

Looking at the proposed demolition of the 176 SF covered porch, Section 10, *Demolition Criteria*, of Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC) states:

"Demolition of a structure which contributes historically or architecturally to the Historic District should be prohibited, except as provided below. Demolition of a structure would be allowed if:

- (a) The building has lost its architectural and historical integrity and importance, and its removal will not result in a negative, less appropriate visual effect on the Historic District; or
- (b) A structure does not contribute to the historical or architectural character and importance of the Historic District (e.g. a Non-Contributing Structure), and its removal will result in a positive, appropriate visual effect on the Historic District; or
- (c) There is an imminent threat to the health, safety and welfare to the surrounding residents and/or property because of an unsafe condition that constitutes an emergency (see Section 11, Demolition by Neglect)."

In this case, staff has established that the covered porch is not original to the single-family home that was constructed in 1885. Based on the dates estimated by staff (*i.e. that the covered porch was constructed after 1934 but prior to 1977*), the covered porch does not appear to be architecturally and historically significant to the existing single-family home, and the removal of the structure would bring the property closer into conformance with original structure constructed by M. H. McCoy.

With regard to the proposed driveway, the applicant has submitted a site plan showing that the drive approach will be constructed on the side yard of the subject property off of Williams Street (*i.e.* SH-66). According to Section 07, Building Standards, of Appendix D, Historic Preservation Guidelines, of the Unified Development Code (UDC), "(u)nless previously used for a driveway, the side yard is to be used for landscaping with the purpose of enhancing the structure with plant materials." In addition, this section goes on to state that "the driveway should not exceed a width of ten (10) feet ..." [and] "... (o)n a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street." In this case, the garage on the subject property was constructed in 1980, faces towards the rear property line, and takes access from Margaret Street.

Staff is also obligated to point out that the applicant's request of setting the driveway 140-feet from the intersection of Kernodle Street and Margaret Street does not meet the minimum standards established by the City of Rockwall and the Texas Department of Transportation (TXDOT). Specifically, the City's Engineering Standards of Design and Construction Manual stipulates a minimum driveway spacing of 200-feet from the intersection of a Collector (i.e. SH-66 or Williams Street) and Local (i.e. Kernodle Street), and the Texas Department of Transportation's (TXDOT's) Access Management Manual requires a minimum spacing for driveways of 200-feet for State Highways with a posted speed of 30 MPH. The applicant has stated in his letter that there are currently seven (7) driveways within 200-feet of the subject property that take access onto SH-66. It should be noted that there are actually only six (6) residential driveways within 200-feet of the subject property, and that all but one (1) driveway is located on the southside of SH-66. The subject property is currently on the northside of SH-66. Staff should also point out that these homes were constructed in 1905, 1918, 1939, 1975, 1985, and 1991, well before the current traffic volumes carried by this roadway were established, and that many of the properties on the southside of SH-66 only have the ability to access SH-66. The subject property has the ability to access both Kernodle Street and Margaret Street, which are smaller roadways intended to carry residential traffic. It is also worth mentioning that no new driveways have been permitted onto SH-66 in this area since 1991. Staff did request that the Police Department provide a list of vehicular accidents in the area between N. Fannin Street and Kernodle Street from 2020 to present, and was provided with a report of five (5) separate vehicular accident reports in this block (i.e. one [1] from 2020, two [2] from 2021, and two [2] from 2022). Since the applicant will need to request a variance from both the City of Rockwall's Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) before being able to proceed with construction, the Historic Preservation Advisory Board (HPAB) would be providing a recommendation through the action taken in this Certificate of Appropriateness (COA) case.

Subsection 06.03(G)(5), Standards for Approval, of Article 05, District Development Standards, of the Unified Development Code (UDC), states "(t)he Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that ... the application will not adversely affect the character of the site and the proposed work is consistent with the regulations contained in this section [Section 06.03, Historic Overlay (HOV) District, UDC] and proposed preservation criteria [Appendix D, Historic Preservation Guidelines, UDC]." As stated above, the proposed demolition of the covered porch does not appear to change the essential character of the subject property; however, the proposed driveway approach off of SH-

66 appears to not only have the potential to create an unsafe condition by adding an additional driveway on SH-66, but also provides the applicant with the ability to subdivide the property into additional lots that could affect the character of the subject property. In addition, the driveway request is not consistent with the regulations contained in the Unified Development Code (UDC). With this being said, the approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB).

# **CONDITIONS OF APPROVAL**

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a Certificate of Occupancy (COA), staff would propose the following conditions of approval:

- (1) The applicant will be required to seek approval of a variance from the Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) for driveway spacing.
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



FOR THIS CASE TO BE APPROVED.

**OWNER'S SIGNATURE** 

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City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087

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APPLICANT'S SIGNATURE





# City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.













# Dear Board Members,

I am the owner of 501 Kernodle St, Rockwall, TX 75087. This property was developed more than 150 years ago and currently sits on just shy of an acre of land. While this was common in 1883, it is no longer common today nor is it sustainable. This is in large part due to poor drainage on the property that has been caused by the elevation of Margaret and Kernodle Streets. Significant lot drainage modifications need to be undertaken to mitigate further damage and degradation of the historic home at this site. The most impactful is the relocation of the long gravel driveway. Replacing this driveway with a concrete alternative on Williams. This will allow a swale to be cut from West to East. This swale is needed in order to divert the storm water that drains from the City streets onto the property, and under the historic home. These streets are higher than the property's foundation.

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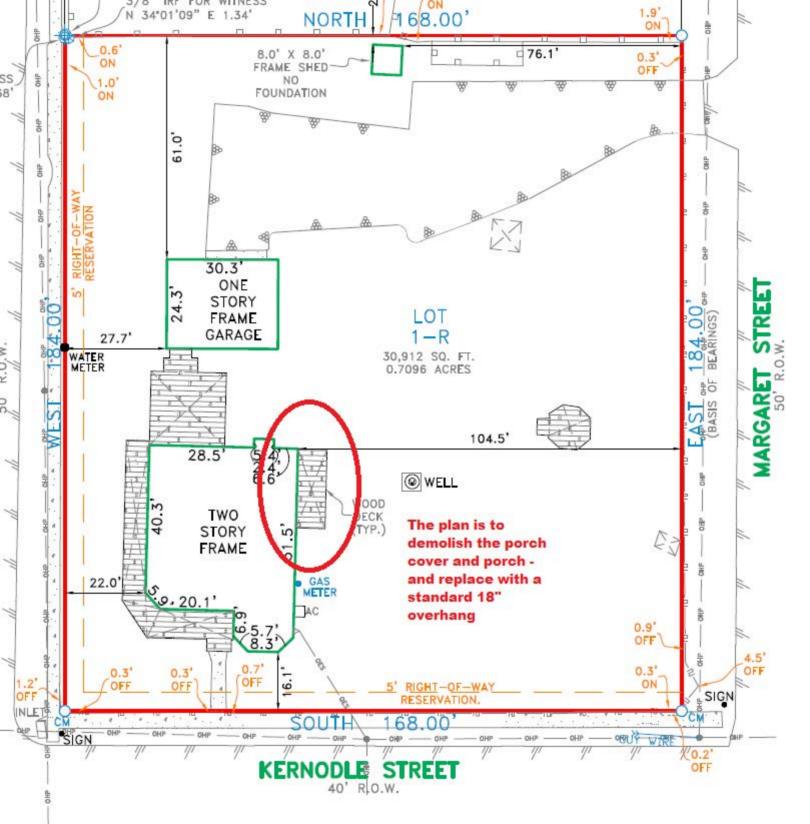
Upon approval of this variance and the associated permit, we will finalize and submit a subdivision plan and our drainage improvement plans. These plans will address the drainage issues associated with the current lot plan – which will further protect the unique historical home we own.

As multigenerational residents, citizens, and property owners of the City of Rockwall and Rockwall County, it is our goal to increase property values, maintain the unique and historical nature of this property, and create more housing options within this highly desirable area.

Sincerely,

Tim Herriage and Jennifer Raney Herriage

Jennifer's Homes, Inc



# 501 Kernodle Street

Lot 1-R, Block 2, of BUTTGEN ADDITION, an Addition to the City of Rockwall of Rockwall, Rockwall County, Texas, according to the map or plat thereof recorded in Cabinet F, Slide 221, of the Plat Records of Rockwall County, Texas.







O 1/2" ROD FOUND ⊗ 1/2" ROD SET ☑ "X" FOUND/SET

**⊗** 3/8" ROD FOUND

POINT FOR CORNER FENCE POST FOR CORNER

CONTROLLING MONUMENT

AC AIR CONDITIONER

PE POOL EQUIPMENT

TE TRANSFORMER PAD

■ COLUMN

POWER POLE UNDERGROUND ELECTRIC

 $\triangle \ \ {\small \ \, {\small \ \, OVERHEAD} \atop \scriptstyle ELECTRIC}$ 

TELE TELEPHONE PEDESTAL

BL BUILDING LINE AE AERIAL EASEMENT

SANITARY SSE SEWER EASEMENT

GM GAS METER WM WATER METER

LP LIGHT POLE

UTILITY EASEMENT

-OHP-OVERHEAD ELECTRIC POWER -OES-

OVERHEAD ELECTRIC SERVICE

-0-CHAIN LINK

WOOD FENCE 0.5'
WIDE TYPICAL

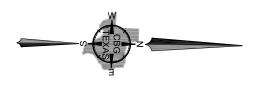
IRON FENCE BARBED WIRE

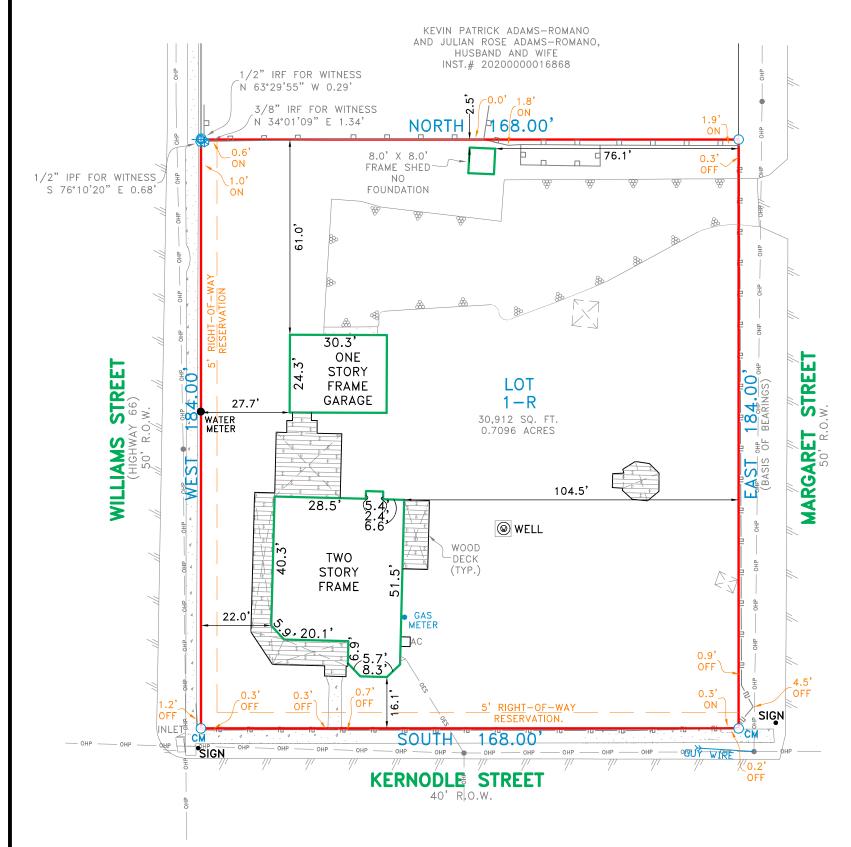
- 🗆 -DOUBLE SIDED WOOD FENCE

EDGE OF ASPHALT

EDGE OF GRAVEL CONCRETE COVERED AREA BRICK 

STONE





# **EXCEPTIONS:**

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS
CONTAINED IN INSTRUMENTS RECORDED IN CAB. F, SLD. 221

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 1349, PG. 286

Purchaser

Purchaser

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

www.cbgtxllc.com

This survey is made in conjunction with the information provided by Independence Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

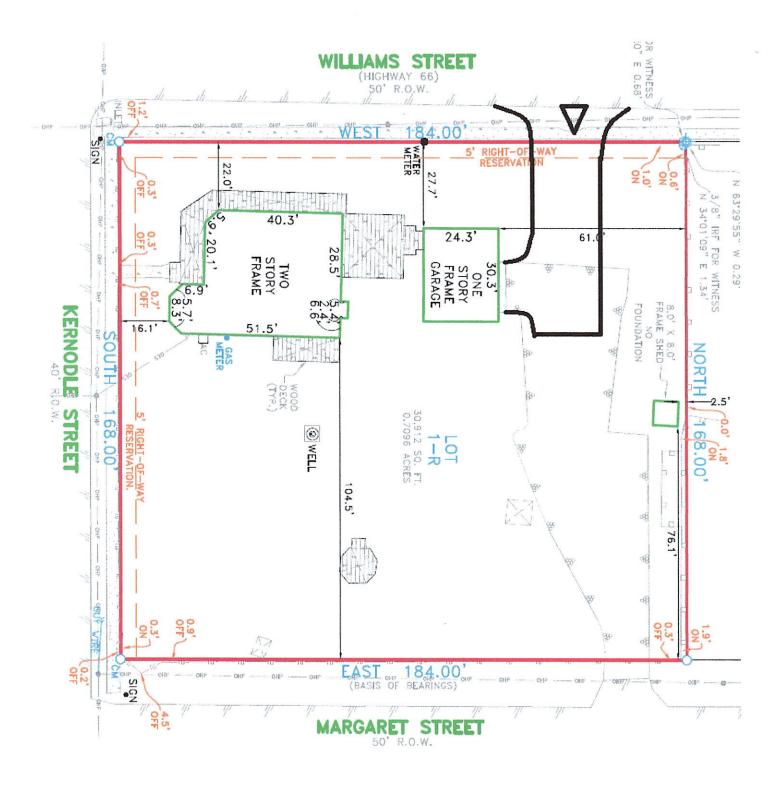
Drawn By: BVM/SRG 1" = 30 Date: 07-23-2021 GF No.: 2142620-RWDA



Accepted by: Date:

**Job No.** 2115553















# CITY OF ROCKWALL

# HISTORIC PRESERVATION ADVISORY BOARD MEMORANDUM

# PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Historic Preservation Advisory Board

FROM: Ryan Miller, Director of Planning and Zoning

**DATE**: May 19, 2022

SUBJECT: H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

On April 21, 2022, the Historic Preservation Advisory Board (HPAB) reviewed a Certificate of Appropriateness (COA) request for the property at 501 Kernodle Street. Specifically, the applicant -- Tim Herriage -- was requesting the Certificate of Appropriateness (COA) for the purpose of [7] demolishing an existing 176 SF covered porch and [2] constructing a driveway approach off of Williams Street. Ultimately, the board approved a motion to grant the Certificate of Appropriateness (COA) for the demolition of the covered porch, but deny the Certificate of Appropriateness (COA) and recommend denial of the variance request to the Planning and Zoning Commission for the driveway approach off of Williams Street. This motion was approved by a vote of 4-0, with Board Members Miller, Bowlin and Adams absent. At the time of the meeting, staff was under the impression that the variance request to the driveway spacing requirements could continue forward to the Planning and Zoning Commission with a recommendation for denial regardless of the Board's action on the Certificate of Appropriateness (COA); however, after reviewing the requirements of the Unified Development Code (UDC) with the City Attorney, it was determined that the request could <u>not</u> move forward to the Planning and Zoning Commission without an approved Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). Since staff had advised the Board to word their motion as a recommendation to the Planning and Zoning Commission, the City Attorney has advised staff to bring the case back to the Historic Preservation Advisory Board (HPAB) to allow them to rehear the case, and make a corrected motion. In response to this, the applicant has submitted a Historic Preservation Advisory Board (HPAB) application (see the application in the attached packet) requesting a Certificate of Appropriateness (COA) for the driveway, and claiming -- that regardless of the Development Application that was filed requesting a variance to the driveway spacing requirements -- this is his first request for a Certificate of Appropriateness (COA) for the driveway. Staff should point out that regardless of if this case is a reconsideration of the previous motion or a new case entirely, the Historic Preservation Advisory Board (HPAB) retains the discretion to: [1] approve the Certificate of Appropriateness (COA) [which would send a recommendation of approval for the variance request to the Planning and Zoning Commission or [2] deny the Certificate of Appropriateness (COA) application. Staff should note that if the Board chooses to deny the request, the applicant has the right to appeal the Board's decision to the City Council. When considering an appeal "...the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy."

Staff should note that the applicant has provided additional information since the original submittal, and that this information has been provided in the attached packet. Based on this new information, staff has updated the case memo from the April 21, 2022 meeting to: [7] remove the information relating to the Certificate of Appropriateness (COA) for the covered porch, and [2] to address the new information provided by the applicant. With this being said, the new information provided by the applicant has not changed staff's position with regard to this request, and staff is still of the opinion that allowing this driveway approach off of SH-66 could create the potential for an unsafe condition; however, all requests for a Certificate of Appropriateness (COA) are discretionary decisions for the Historic Preservation Advisory Board (HPAB). Should the Board have any questions concerning this case, staff and the applicant will be present at the meeting to discuss.



# CITY OF ROCKWALL

# HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

# PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Historic Preservation Advisory Board

DATE: May 19, 2022
APPLICANT: Tim Herriage

CASE NUMBER: H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

# **SUMMARY**

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness (COA)</u> for a <u>High Contributing Property</u> being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

# **BACKGROUND**

The structure at 501 Kernodle Street was constructed in 1885 by M. H. McCoy. Mr. McCoy was a local businessman who also owned Rockwall's first hardware store and later became a prominent banker. The home was purchased by Jim and Pat Buttgen in 1977. During their tenure in the house the Buttgen's completed several remodels of the home including: [1] finishing the attic into a large bedroom and bathroom, [2] added a den to the lower level, [3] restoration of the pine floors throughout the home, and [4] added kitchen cabinets. During the remodel of the home, the Buttgens discovered the remains of a unique underground watering system invented by Mr. McCoy. According to the 2017 Historic Resource Survey, the house was constructed in a Modified L-Plan with Folk Victorian style influences and is classified as a High Contributing Property. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is the 2,152 SF single-family home that was constructed in 1885, two (2) covered porches -- being 176 SF and 476 SF -- constructed in 1885, a 100 SF gazebo constructed in 1980, and a 480 SF detached garage constructed in 1986.

The subject property was originally platted as Block 2, F&M Addition on September 14, 1896 (see Figure 2). At the time of platting the property included the two (2) lots to the west of the subject property (i.e. identified by RCAD as NW/4 C and SW/4 C of Block 2, F&M Addition). This indicates that at the time the F&M Addition was established Block 2 was a single property. This property was later subdivided and established as Lot 1-R, Block 2 Buttgen Addition on July 3, 2005. Based on the City's Historic Plat/Ownership Books staff has been able to verify the configuration and ownership of the property since 1968 (see Figures 3 & 4).



FIGURE 1: AUGUST 10, 2012

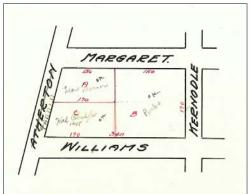


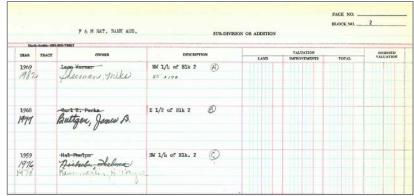
Rethorn Heavily & Produce all juried by their foresense;
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FIGURE 2: F&M ADDITION SUBDIVISION PLAT (1896)





FIGURES 3 & 4: EXCERPTS FROM THE CITY'S HISTORIC PLAT/OWNERSHIP BOOKS

# **PURPOSE**

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the purpose of constructing a new driveway off of Williams Street that does <u>not</u> meet the minimum standards stipulated by the Texas Department of Transportation (TXDOT) or the City of Rockwall.

# ADJACENT LAND USES AND ACCESS

The subject property is located at 501 Kernodle Street. The land uses adjacent to the subject property are as follows:

- North: Directly north of the subject property is Margaret Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 0.43-acre parcel of land (i.e. 601 Kenodle Street) zoned Single-Family 7 (SF-7) District, and identified as a Non-Contributing Property. Beyond this are the boundaries of the Old Town Rockwall (OTR) Historic District followed by several parcels of land developed with single-family homes that are zoned Single-Family 7 (SF-7) District.
- South: Directly south of the subject is Williams Street, which is identified as a Minor Collector on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (i.e. 306, 308, and 310 Williams Street) developed with single-family homes that are zoned Single-Family 7 (SF-7) District. 306 & 310 Williams Street are classified as Low Contributing Properties and 308 Williams Street is classified as Low Contributing Property. Beyond this is Lofland Park, which is a 1.377-acre public park.
- East: Directly east of the subject property Kernodle Street, which is identified as a R2U (*residential, two* [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 502 and 506 Kernodle Street and 501 Austin Street*) developed with single-family homes. All of these properties are zoned Single-Family 7 (SF-7) District, are located within the Old Town Rockwall Historic District, and are designated as *Non-Contributing Properties*. Beyond this is Austin Street, which is identified as a R2U (*residential, two* [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 501 Williams Street, which is zoned Single-Family 7 (SF-7) District and is classified as a *Non-Contributing Property*.
- <u>West</u>: Directly west of the subject property are two (2) parcels of land (*i.e. 302 and 303 N. Fannin Street*) developed with single-family homes zoned Single-Family 7 (SF-7) District. 303 N. Fannin Street is classified as a *Medium Contributing Property* and 302 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is N. Fannin Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 405, 503 & 601 N. Fannin Street*) developed with single-family homes and zoned Single-Family 7 (SF-7) District. 405 & 503 N. Fannin Street are classified as *Non-Contributing Properties* and 601 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is the boundary of the Old Town Rockwall (OTR) Historic District.



FIGURE 5: LOCATION MAP

# **CHARACTERISTICS OF THE PROJECT**

The applicant -- *Tim Herriage* -- recently purchased the subject property from Jim and Pat Buttgen, and is in the process of remodeling the single-family home on the subject property. As part of the remodel the applicant is proposing to construct a driveway approach off of Williams Street and remove the existing driveway. The site plan provided by the applicant shows that the driveway will be approximately 140-feet from the intersection of Williams Street and Kernodle Street. The applicant's letter states that the driveway will be constructed with concrete and is being proposed to facilitate better drainage on the property. Staff should note, that this driveway relocation would be necessary if the applicant is proposing to subdivide the lot in



FIGURE 6: PROPOSED DRIVEWAY LOCATION

the future. Currently, the property is served by a gravel driveway that extends from the subject property to Margert Street.

# CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Subsection 06.03(F), Certificate of Appropriateness (COA) for Alteration or New Construction, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [Historic Overlay (HOV) District] shall apply only to those properties ... which meet the following criteria: [1] either be a designed historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by Subsection B or be located within 200-feet of a contributing property." In this case, the subject property meets all of the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, is designated as a High Contributing Property, and is directly adjacent to two (2) contributing properties (i.e. 302 Margaret Street which is a Medium

Contributing Property). In addition, Section 06, Certificate of Appropriateness (COA), of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC) states that "(a)ny person carrying out any work that requires a building permit for exterior alteration, restoration, reconstruction, new construction, moving or demolition of a property within a historic district that is visible must first obtain a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB)..." Based on this, the applicant's scope of work requires a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB).

In reviewing and acting upon a Certificate of Appropriateness (COA) "(t)he Historic Preservation Advisory Board (HPAB) shall follow the design guidelines as adopted by the City Council in its consideration of all applications for a Certificate of Appropriateness (COA)." In this case, the *Building Standards* relating to driveways contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC) that are applicable to the applicant's request are as follows: "[1] The purpose of the driveway shall be to create a paved surface for the movement of vehicles to parking areas. The driveway is defined as the paved area within the property line extending from the back of the sidewalk or lot line to the garage, out building or porte-cochere. [2] The driveway should not exceed a width of ten (10) feet. [3] The driveway may extend along the side of the residence or structure, through the porte-cochere (if applicable) to the to the rear yard ... [5] On a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street. All other width and approach regulations will apply to driveways on corner lots ... [8] Parking should be on "improved" surfaces only, thereby maintaining the integrity of the front, side and rear yards of the property." In addition, Subsection (F) of these guidelines also states that "(u)nless previously used for a driveway, the side yard is to be used for landscaping with the purpose of enhancing the structure with plant materials."

In this case, the applicant is proposing to relocate the driveway from Margaret Street to Williams Street. As stated above, "... (o)n a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street." The garage at 501 Kernodle Street was constructed in 1986, faces towards the rear property line, and takes access from Margaret Street. In addition, the current driveway on Margaret Street <u>does</u> meet the City's driveway spacing requirements. The applicant's request of setting the driveway 140-feet from the intersection of Kernodle Street and Margaret Street <u>does not</u> meet the minimum standards established by the City of Rockwall and the Texas Department of Transportation (TXDOT). Specifically, the City's Engineering Standards of Design and Construction Manual stipulates a minimum driveway spacing of 200-feet from the

intersection of a Collector (i.e. SH-66 or Williams Street) and Local (i.e. Kernodle Street), and the Texas Department of Transportation's (TXDOT's) Access Management Manual requires a minimum spacing for driveways of 200-feet for State Highways with a posted speed of 30 MPH. The applicant has stated in his letter that there are currently seven (7) driveways within 200-feet of the subject property that take access onto SH-66. It should be noted that there are actually only six (6) residential driveways within 200-feet of the subject property, and that all but one (1) driveway is located on the southside of SH-66 (see the driveway exhibit in the attached packet). The subject property is currently on the northside of SH-66. Staff should also point out that these homes were constructed in 1905, 1918, 1939, 1975, 1985, and 1991, well before the current traffic volumes carried by this roadway were established, and that many of the properties on the southside of SH-66 only have the ability to access SH-66. The subject property has the ability to access both Kernodle Street and Margaret Street, which are smaller roadways intended to carry residential traffic. It is also worth mentioning that no new driveways have been permitted onto SH-66 in this area since 1991. Staff did request that the Police Department provide a list of vehicular accidents in the area between N. Fannin Street and Kernodle Street from 2020 to present, and was provided with a report of five (5) separate vehicular accident reports in this block (i.e. one [1] from 2020, two [2] from 2021, and two [2] from 2022) [this has been provided in the attached packet].

With this case, the applicant has submitted a revised letter and additional information from the information that was originally presented at the April 21, 2022 meeting. The applicant's new letter states that the Sanborn Maps from 1911 and 1934 show that "...carriages/vehicles most likely would have

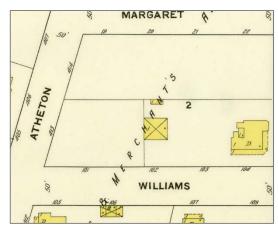


FIGURE 7: 1911 SANBORN MAPS

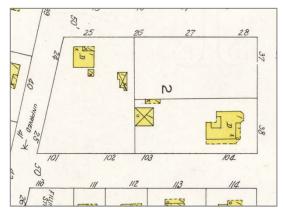


FIGURE 8: 1934 SANBORN MAPS

entered the home from Williams. Specifically given the clear 'dividing line' present on both maps and location of barn/stable." Staff has reviewed the Sanborn Maps, the original subdivision plat, and all properties that were constructed prior to 1900 to determine if there is any validity to the applicant's statement. Specifically, staff observed that: [1] the home was originally platted on a single lot that took up the entire block indicating that the land making up Block 2 was under common ownership, [2] the Sanborn Maps do <u>not</u> show driveway access, and [3] based on homes constructed during a similar time period as the home on the subject property there does not appear to be a pattern to where driveways were located during this time period (see Table 1). Taking all of this into consideration, staff does not see anything that would indicate that "...carriages/vehicles most likely would have entered the home from Williams." In fact, it is just as probable to assume that the property had access from Kernodle Street, especially when considering that the front door of the home on the subject property faces Kernodle Street. Finally, in the applicant's information he links the proposed driveway to fixing drainage issues on the site. Staff has reviewed the information that the applicant has submitted and cannot determine a correlation between the two (2) issues (i.e. proper drainage of the property can be achieved regardless of where the driveway is located). It should also be noted that the applicant's plan appears to propose creating a concentrated flow condition, which would have to be engineered to determine if the existing drainage systems has the capacity necessary to accommodate this flow. In addition, this would have to be approved by the City of Rockwall and the Texas Department of Transportation (TXDOT).

<u>TABLE 1</u>: DRIVEWAY LOCATION IN RELATION TO THE FRONT DOOR FOR HOME CONSTRUCTED PRIOR TO 1900 <u>MOTES</u>: THE FRONT DOOR IS ASSUMED TO BE THE FRONT OF THE HOUSE SO: [1] FRONT = DRIVEWAY AND FRONT DOOR FACING THE SAME STREET; [2] SIDE = DRIVEWAY IS LOCATED ON ONE OF THE SIDE YARDS WITH THE FRONT DOOR FACING THE FRONT YARD; AND [3] REAR = DRIVEWAY IS AT THE REAR OF THE PROPERTY AND THE FRONT DOOR IS FACING THE FRONT YARD.

	JOHN TO THE THE	0111 1711121		
PROPERTY	YEAR BUILT	DRIVEWAY LOCATION	CURRENT USE	MULTIPLE STREET FRONTAGE
307 S. CLARK STREET	1890	FRONT	RESIDENTIAL	NO
302 S. FANNIN STREET	1895	REAR	COMMERCIAL	YES
702 N. GOLIAD STREET	1898	FRONT	COMMERCIAL	NO
912 N. GOLIAD STREET	1893	FRONT	COMMERCIAL	NO
501 KERNODLE STREET	1885	SIDE YARD	RESIDENTIAL	YES
300 MUNSON STREET	1880	FRONT	RESIDENTIAL	YES
402 MUNSON STREET	1885	SIDE YARD	RESIDENTAIL	YES
406 E. RUSK STREET	1890	FRONT	RESIDENTAIL	YES
507 E. RUSK STREET	1890	SIDE YARD	RESIDENTAIL	YES
406 STARR STREET	1896	FRONT AND SIDE YARD	RESIDENTAIL	YES
501 STORRS STREET	1885	FRONT	RESIDENTIAL	YES
602 STORRS STREET	1890	SIDE YARD	RESIDENTIAL	YES
605 WASHINGTON STREET	1895	FRONT	RESIDENTAIL	NO

Subsection 06.03(G)(5), Standards for Approval, of Article 05, District Development Standards, of the Unified Development Code (UDC), states "(t)he Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that ... the application will not adversely affect the character of the site and the proposed work is consistent with the regulations contained in this section [Section 06.03, Historic Overlay (HOV) District, UDC] and proposed preservation criteria [Appendix D, Historic Preservation Guidelines, UDC]." Based on the information contained in this case memo, the proposed driveway approach off of SH-66 appears to not only have the potential to create an unsafe condition by adding an additional driveway onto SH-66, but also provides the applicant with the ability to subdivide the property into additional lots that could affect the character of the subject property. In addition, the driveway request is not consistent with the guidelines contained in the Unified Development Code (UDC) and used to evaluate Certificate of Appropriateness (COA) requests. With all of this being said, the approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB). Since the applicant will need to request a variance from both the City of Rockwall's Planning and Zoning Commission and the Texas Department of Transportation (TXDOT), should the Historic Preservation Advisory Board (HPAB) choose to approve the request for a Certificate of Appropriateness (COA) a recommendation for approval would be forwarded to the Planning and Zoning Commission; however, if the Historic Preservation Advisory Board (HPAB) chooses to deny the Certificate of Appropriateness (COA) this case could not move forward to the Planning and Zoning Commission for a variance to the driveway spacing requirements.

# **NOTIFICATIONS**

On May 6, 2022, staff mailed 30 property owner notifications to all property owners and occupants within 200-feet of the subject property. At the time this case memo was prepared, staff had not received any notices returned regarding the applicant's request.

# **CONDITIONS OF APPROVAL**

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a Certificate of Occupancy (COA), staff would propose the following conditions of approval:

- (1) The applicant will be required to seek approval of a variance from the Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) for driveway spacing.
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



APPLICATION:

CERTIFICATE OF APPROPRIATENESS (COA)

LOCAL LANDMARK EVALUATION & DESIGNATION

# HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087

S	TA	FF	USE	ON	LY

CONTRIBUTING STATUS [SELECT APPLICABLE]:

☐ LANDMARKED PROPERTY

HIGH CONTRIBUTING PROPERTY

CASE NUMBER:

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR HAS SIGNED BELOW.

DIRECTOR OF PLANNING:

DATE RECEIVED:

RECEIVED BY:

□ BUILDING PERMIT WAIVER & REDUCTION PROGRAM □ SMALL MATCHING GRANT APPLICATION  SPECIAL DISTRICTS [SELECT APPLICABLE]: □ OLD TOWN ROCKWALL HISTORIC (OTR) DISTRICT □ PLANNED DEVELOPMENT DISTRICT 50 (PD-50) □ SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO □ DOWNTOWN (DT) DISTRICT	☐ MEDIUM CONTRIBUTING PROPERTY ☐ LOW CONTRIBUTING PROPERTY ☐ NON-CONTRIBUTING PROPERTY  CURRENT LAND USE OF THE SUBJECT PROPERTY:  RESIDENTIAL ☐ COMMERCIAL
PROPERTY INFORMATION [PLEASE PRINT]  ADDRESS 501 Kernodic  SUBDIVISION Buttyen	LOT IR BLOCK
OWNER/APPLICANT/AGENT INFORMATION IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT? CHECK THIS BOX IF OWNER AND APPLICANT ARE TH	[PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]  YES □ NO APPLICANT(S) IS/ARE: ○ OWNER □ TENANT □ NON-PROFIT □ RESIDENT  E SAME. □ OTHER, SPECIFY:
OWNER(S) NAME Jennifer's Homes  ADDRESS 2701 Whispering  Rockmill, TX  PHONE 214607 122	APPLICANT(S) NAME  ADDRESS  PHONE
COPE OF WORK/REASON FOR EVALUATION CONSTRUCTION TYPE [CHECK ONE]:    EXTERIOR ALTE   RELOCATIONS	RATION   NEW CONSTRUCTION   ADDITION   DEMOLITION   DEMOL
PROJECT DESCRIPTION. IN THE SPACE PROVIDED BELOW OR OF OR LOCAL LANDMARK EVALUATION & DESIGNATION REQUESTING SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PROPERTY ARE SUBMITTED WITH THIS APPLICATION	ON A SEPARATE SHEET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE. TS INDICATE ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY, PAST USE(S), ETC. STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE
approach apron.	
NER & APPLICANT STATEMENT [ORIGINAL SINCKNOWLEDGE THAT I HAVE READ THIS APPLICATION KNOWLEDGE. FURTHERMORE, I UNDERSTAND THAT OR THIS CASE TO BE APPROVED.	GNATURES REQUIRED] AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF IT IS NECESSARY FOR ME OR A REPRESENTATIVE TO BE PRESENT AT A PUBLIC HEARING
WNER'S SIGNATURE	APPLICANT'S SIGNATURE

HISTORIC PRESERVATION ADVISORY BOARD APPLICATION . CITY OF ROCKWALL . 385 SOUTH GOLIAD STREET . ROCKWALL, TX 75087 . [P] (972) 771-7745





# City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

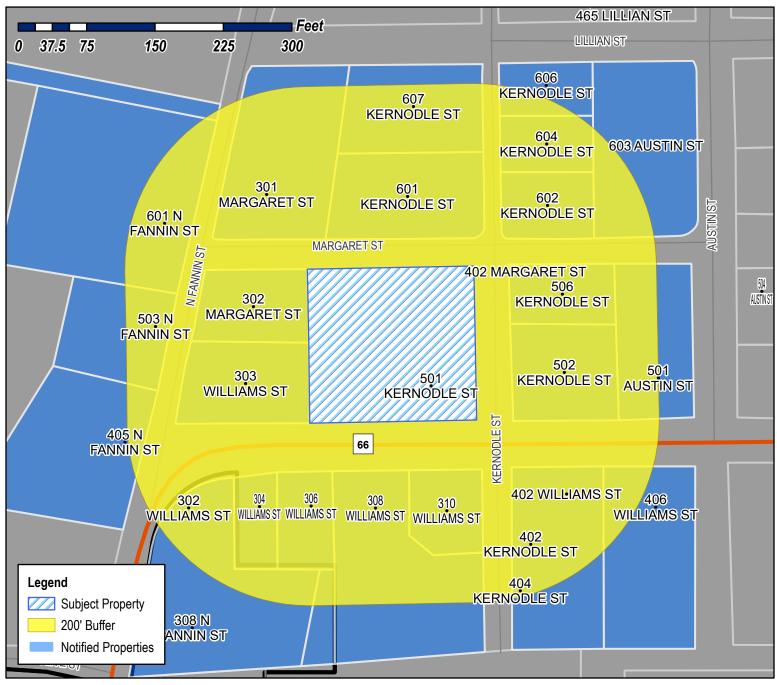




# City of Rockwall

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Case Number: H2022-004

Case Name: COA for High Contributing Property

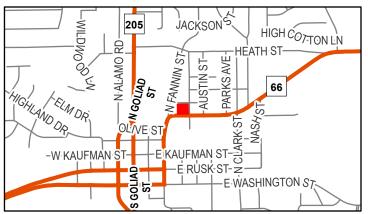
Case Type: Historic

**Zoning:** Single-Family 7 (SF-7) District

Case Address: 501 Kernodle Street

Date Saved: 4/4/2022

For Questions on this Case Call (972) 771-7745



PRYOR MICA 1036 SIGNAL RIDGE PLACE ROCKWALL, TX 75032 PLACE LISANNE 1531 ZAPATA DR EL DORADO HILLS, CA 95762 LAURENCE CROSSING LLC 2500 DISCOVERY BLVD SUITE 300 ROCKWALL, TX 75032

ORTAMOND DONALD J & JANA R 301 MARGARET ST ROCKWALL, TX 75087 LOFTUS GERALDINE J 302 E MARGARET ST ROCKWALL, TX 75087 ADAMS-ROMANO KEVIN PATRICK & JULLIAN ROSE 303 WILLIAMS ST ROCKWALL, TX 75087

POINTER PRICE 304 WILLIAMS ST ROCKWALL, TX 75087 MORALES JOSE L JR AND PHUONG A VUONG 306 WILLIAMS ST ROCKWALL, TX 75087

LAURENCE CROSSING LLC 306 WILLIAMS ST ROCKWALL, TX 75087

MAY PATRICIA A 308 WILLIAMS ST ROCKWALL, TX 75087 LAURENCE CROSSING LLC 308 FANNIN ROCKWALL, TX 75087 WINES DEBORAH C 310 WILLIAMS ST ROCKWALL, TX 75087

PEREIRA ASHLE RENEE 402 WILLIAMS ST ROCKWALL, TX 75087

PLACE LISANNE 406 WILLIAMS ST ROCKWALL, TX 75087 SUMBLIN BEN III ESTATE OF TONI YEAGER, GUARDIAN 501 AUSTIN ST ROCKWALL, TX 75087

JENNIFER'S HOMES INC 501 KERNODLE ROCKWALL, TX 75087 BARRON JOSE FELIX & MARIA MERCEDES 502 KERNODLE ST ROCKWALL, TX 75087 SUMBLIN BEN III ESTATE OF TONI YEAGER, GUARDIAN 504 PRESIDIO DR ROCKWALL, TX 75087

SMITH ALAN E & JUDY ROPER SMITH 506 KERNODLE ST ROCKWALL, TX 75087 JENNIFER'S HOMES INC 519 E INTERSTATE 30 #442 ROCKWALL, TX 75087 HALL DOUGLAS A & MARCI 601 N FANNIN ST ROCKWALL, TX 75087

BROWN JONATHAN R & CHRISTY A 601 KERNODLE ST ROCKWALL, TX 75087 GASKIN STEVE AND MICHAEL FLANARY 602 KERNODLE STREET ROCKWALL, TX 75087

LOFLAND JANA J 603 AUSTIN ST ROCKWALL, TX 75087

FUNK TED FREDRICK AND REBECCA LYNN 604 KERNODLE ROCKWALL, TX 75087 POINTER PRICE 605 NAKOMA DR ROCKWALL, TX 75087 PRYOR MICA 606 KERNODLE ST ROCKWALL, TX 75087

MULLINS CHRISTOPHER CHARLES AND ARYN
ELISE
607 KERNODLE ST
ROCKWALL, TX 75087

BROWN JONATHAN R & CHRISTY A 7814 KILLARNEY LANE ROWLETT, TX 75089 BARRON JOSE FELIX & MARIA MERCEDES
9 PRINGLE LN
ROCKWALL, TX 75087

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the Historic Preservation Advisory Board will consider the following application:

#### Case No. H2022-004: COA for a 501 Kernodle Street

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness (COA)</u> for a High Contributing Property being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Historic Preservation Advisory Board will hold a public hearing on <u>Thursday, May 19, 2022 at 6:00</u> <u>PM</u>. This hearing will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

#### Ryan Miller

Rockwall Planning and Zoning Dept. 385 S. Goliad Street Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by <u>Thursday, May 19, 2022 at 4:00 PM</u> to ensure they are included in the information provided to the Historic Preservation Advisory Board.

Sincerely,

Ryan Miller, AICP

Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND AT: https://sites.google.com/site/rockwallplanning/development/development-cases

USE THIS QR CODE

TO THE WEBSITE

PLEASE RETURN THE BELOW FORM — · — · — · — · — · — · — · — · — · —
Case No. H2022-004: COA for 501 Kernodle Street
Please place a check mark on the appropriate line below:
☐ I am in favor of the request for the reasons listed below.
☐ I am opposed to the request for the reasons listed below.
Name:
Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Property Owner and/or Resident of the City of Rockwall:

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Director of Planning & Zoning

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PLEASE RETURN THE BELOW FORM

Case No. H2022-004: COA for 501 Kernodle Street

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

I AGRETE WITH DITY STAFF THAT THE DRIVENAY
MI DIESS NOT MENEMUM STANDARDS ESTABLESHED BY CITY
OF ROCKUBLU AND TXDOT. IT WOULD CREATE AN WISAFE
CONDITION TO THE ROADWAY, PREVIEWAY IS NOT NEEDED TO FEX

Name: DONALD ORTAMOND

DRASNAGE.

USE THIS QR CODE

TO THE WEBSITE

Address: 301 MARGARET

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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Rockwall Planning and Zoning Dept. 305 S. Goliad Street Rockwall, TX 75087

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Sincerely,

Ryan Miller, AICP

Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND AT: https://sites.google.com/site/rockwallplanning/development/development-cases

TO GO DIRECTLY

TO THE WEBSITE

PLEASE RETURN THE BELOW FORM

Case No. H2022-004: COA for 501 Kernodle Street

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

The 66 turn at Williams and Fannin is very dangerous.

Adding a driveway with cars trying to enter at that

turn will result in more collisions and injuries,

I do not approve sub dividing this property

Name: Doug Hall

Address: 601 N. Fannin 54. Rockwall

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

### Lee, Henry

From: Taylor Pointer <taylorpointer@gmail.com>

**Sent:** Tuesday, May 17, 2022 2:13 PM

To: Planning

**Subject:** Case no H2022-004 COA for 501 kernodle st

We oppose the request because we want to maintain the historical integrity of the neighborhood. We also don't want to see this property (or any property along this stretch of Williams St) to go commercial.

Thank you,

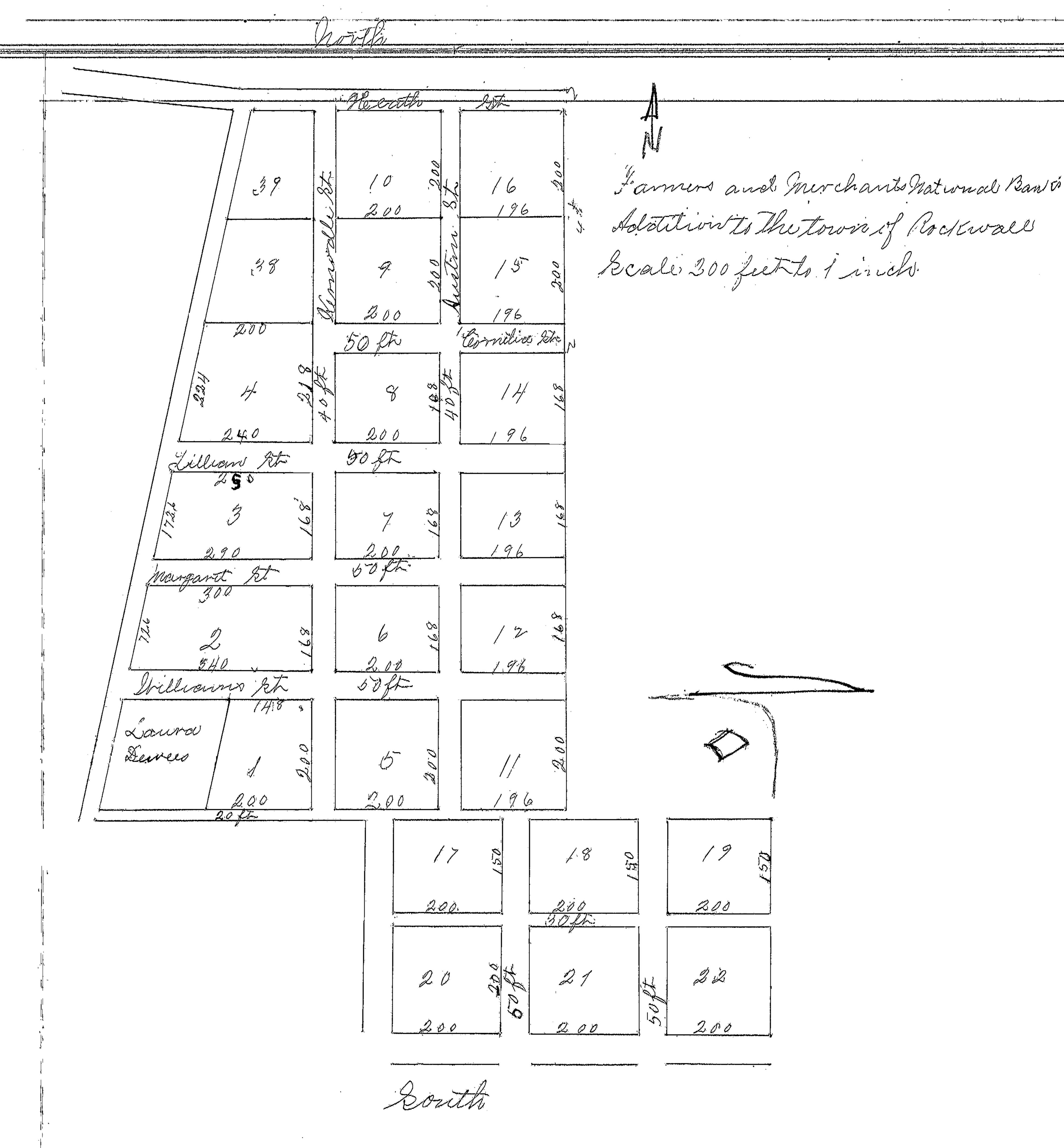
**Taylor and Price Pointer** 

304 Williams St.

Sent from my iPhone

This email was scanned by Bitdefender

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



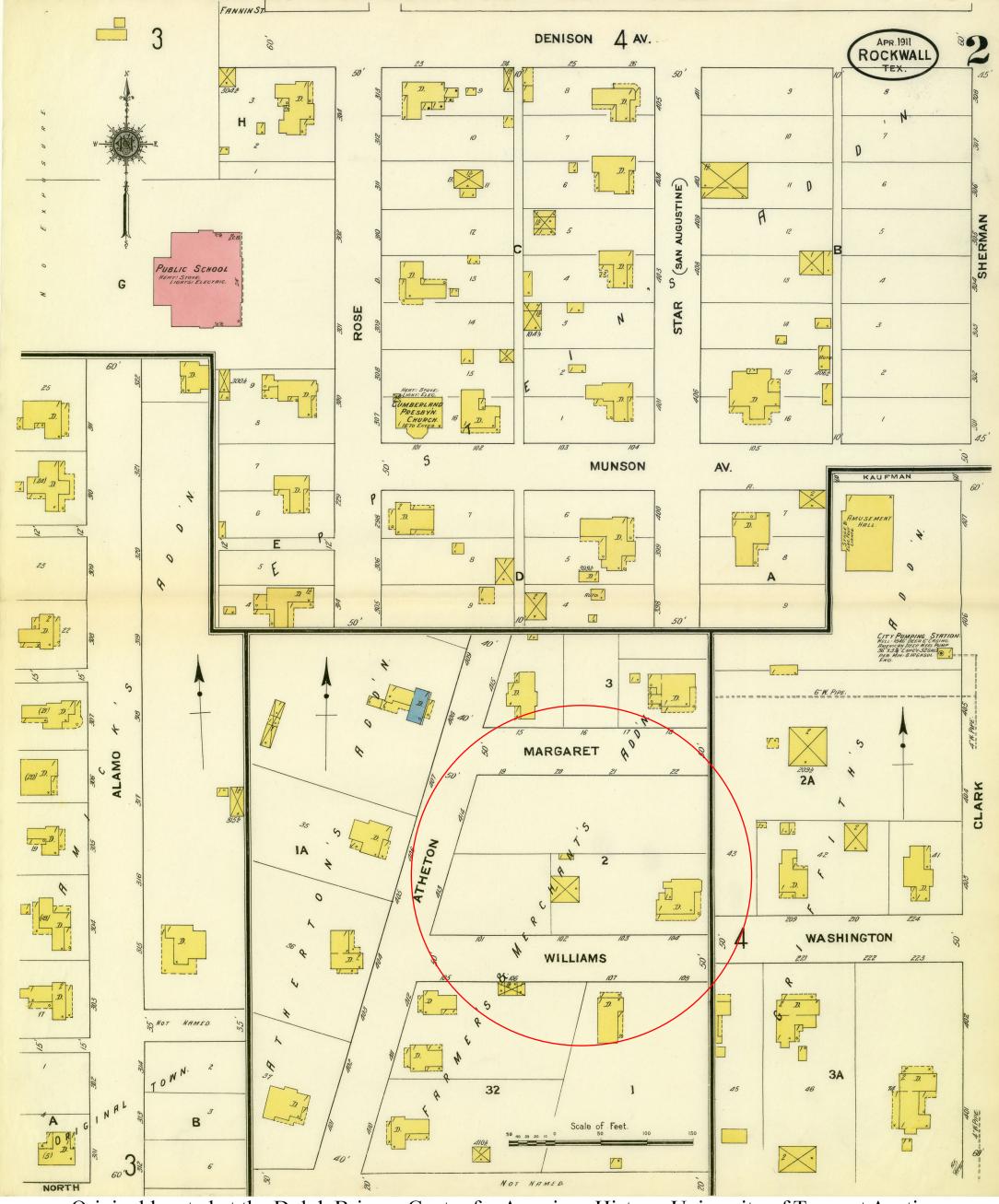
Rockwall County & Rivor all men by there from ents!

That In & Surtin President of The Parmerix merchants is timal Bank of Rockwall do adopt this felat as the maps of the Parmeri and Inerchants-hational Baints addition is said to Toron of Rockwall & do dedicate to the use of the public the Etreets Allies as shown by said felot

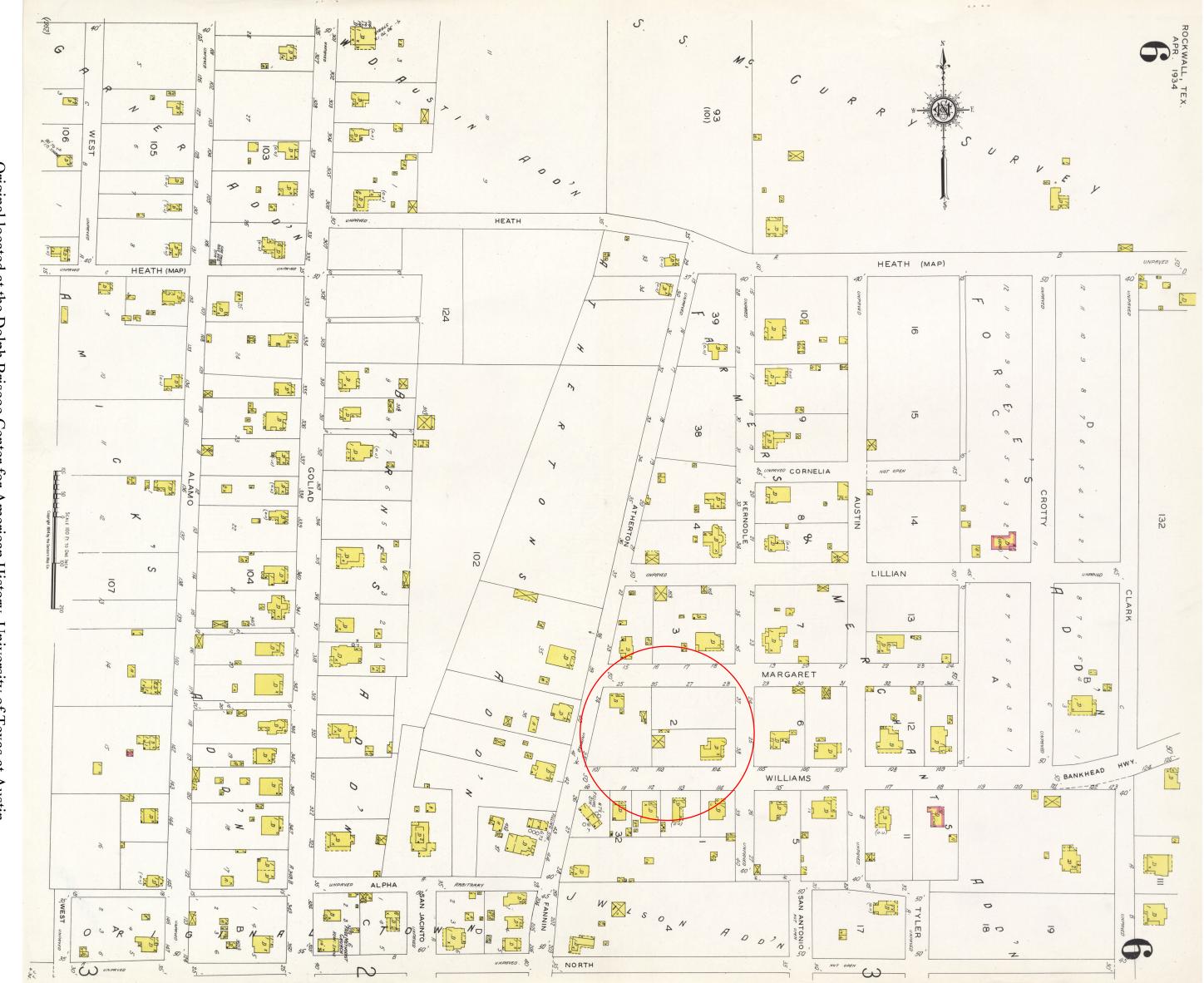
Given under my hand at Rockwall Texas thio Sept 14th /896 M & Austin Greeident It on nat Bank

of Rochnall Deyon

The State of Dayas 3 County of Rockwall & Refore were mark in Evilety County Clerke in and for soul County on this day prevenuly appeared mes. Justin President of I'm not Bank Known to me to be the



Original located at the Dolph Briscoe Center for American History, University of Texas at Austin



Original located at the Dolph Briscoe Center for American History, University of Texas at Austin

Subdivision or Addition F. & M. BANK

MCGINTIE PRESS-DALLAS



PAGE NO	
BLOCK NO	2

F & M NAT. BANK ADD.

# SUB-DIVISION OR ADDITION

Steel	k-Austin—853	-500-78687						
		Characteristics		VALUATION			ASSESSED	
YEAR	TRACT	OWNER	DESCRIPTION	LAND	IMPROVEMENTS	TOTAL	VALUATION	
					IMIROVEMENTS	TOTAL		
1969		Leon Warner	NW 1/4 of Blk 2 (A)					
1982	,	Sheiman, mike	85' × 170					
1101		freetings, in	85 X 170					
			·					
							3	
1968		flam R Panka	E 1/2 of Blk 2					
1,000		Buttgen, James D.	2 1/2 01 211 2					
1977		Pullaen James D.						
			a a					
1959		-Hal Phelps	SW 1/4 of Blk. 2					
1001		nie Del						
1976 1978		Herman Themas	, , , , , , , , , , , , , , , , , , , ,					
1978		Kemmerlen H. Wayse						
4 , 4 0		Hal Phelps Aichola Thelma Kemmerlin H. Wayne						
			,					
		*						
							1	
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	1							
	25							

#### Dear Board Members.

Today, I come before you to request a Certificate of Appropriateness (COA) to install a driveway from the rear of my garage to Williams Street. I am fully aware that this is just one of three steps to the process. The first step (COA) only allows the Planning and Zoning Commission to consider this request. If, and only if, I can pass the P&Z process, I understand I would still need Tx DOT approval. Much of this is going to be difficult, but it is needed in order to protect the structure.

As you can see in the attachments, TX DOT has installed an inlet on the SE corner of what was originally Block 2 of the Farmers and Merchants addition. When viewing the contour diagrams provided by the City, you will see the current lot drainage forces all water from more than 1.3 acres of land under the historic property located at 501 Kernodle.

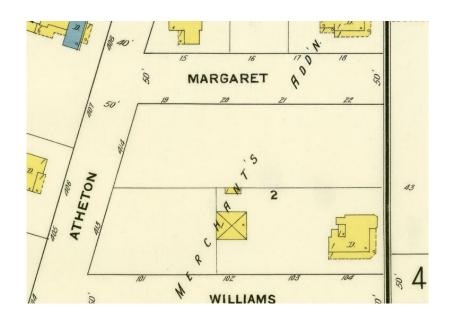
You have a duty to protect and preserve this property. You have a duty to act in a professional manner. If you cannot put aside your personal relationships with opposition to this plan, you should recuse yourself or resign.

Scientifically, this plan is required.

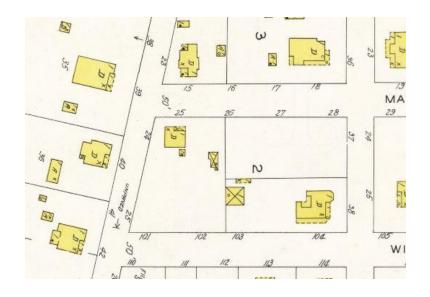
- I plan to attempt to relocate the "greenhouse" and cut a 2' deep and 3' wide drainage swell N and S along the property. This will stop what is known as "lot to lot" drainage.
- The sidewalk along Williams will cross the driveway, as is customary in residential neighborhoods.
- There will be a drainage relief inlet and pipe under the driveway. Possibly a culvert. This will allow the water to run West to East along Williams to the inlet. Ultimately TX DOT would have the final say on that.
- We will cut another drainage relief trench West to East that will be 3' deep on the west side and only 6" deep on the East. It will be a 3 foot wide relief.

This plan specifically addresses preserving a highly contributing property, and as such, dictates the board approves and supports this plan.

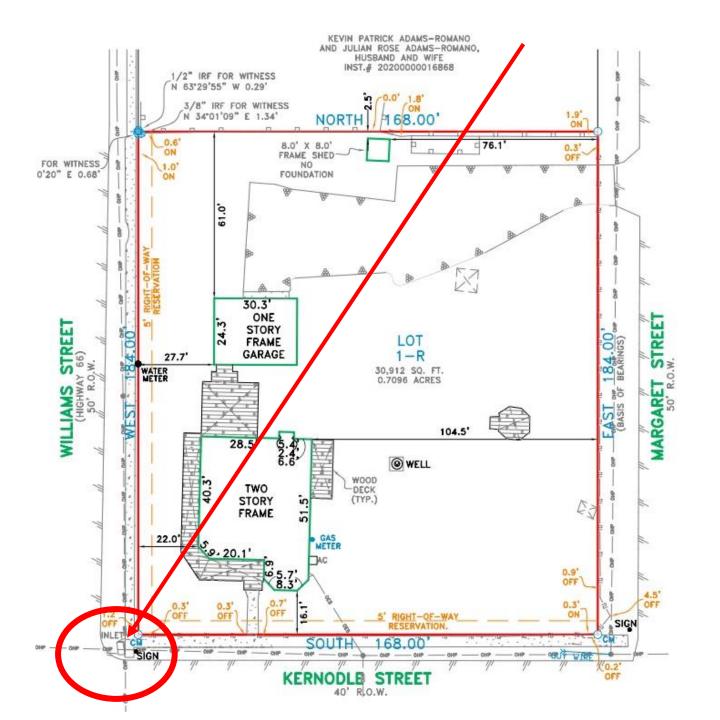
Thanl	k you.
-------	--------

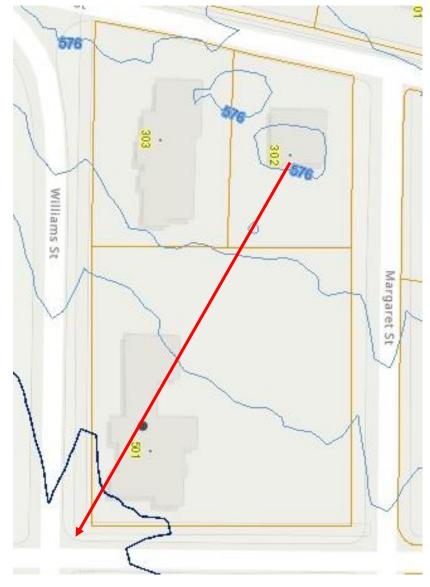


1911: Driveway could not have been in current gravel area according to map and structures present. Given orientation of porch, carriages/vehicles most likely would have entered the home from Williams. Specifically given the clear "dividing line" present on both maps and location of barn/stable.



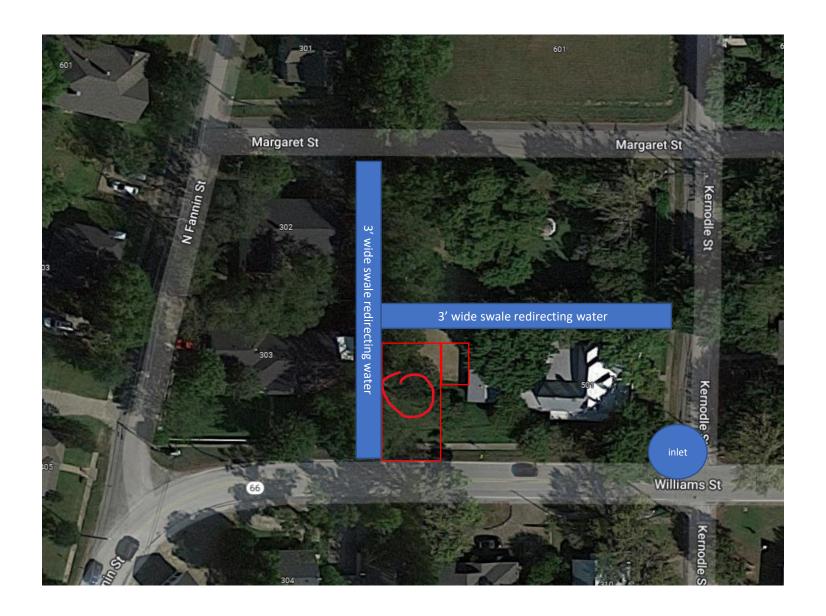
1934: 302 Margaret is represented. Driveway could not have been in current gravel area according to map and structures present. Given orientation of porch, carriages most likely would have entered the home from Williams. Specifically given the clear "dividing line" present on both maps and location of barn/stables.

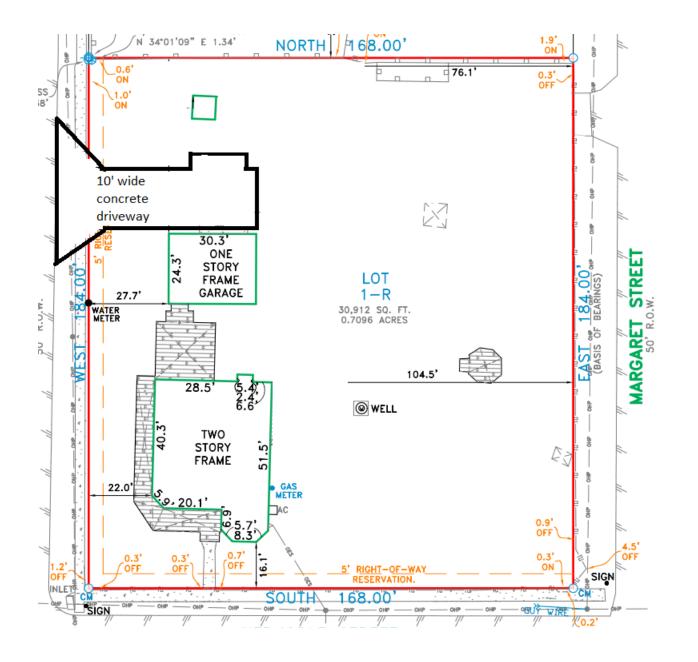




Current topography shows the location of the inlet and lack of drainage areas is pushing an acre of water under the home.

Proposal
would only
require
removal of
one tree for
driveway. A
Crape Myrtle
which we will
attempt to
transplant





Site plan subject to engineering and approval.

Greenhouse relocated if it doesn't fall apart.



# CITY OF ROCKWALL

#### HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

#### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Historic Preservation Advisory Board

DATE: April 21, 2022
APPLICANT: Tim Herriage

CASE NUMBER: H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

#### **SUMMARY**

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness</u> (<u>COA</u>) for a <u>High Contributing Property</u> being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

#### **BACKGROUND**

The structure at 501 Kernodle Street was constructed in 1885 by M. H. McCoy. Mr. McCoy was a local businessman who also owned Rockwall's first hardware store and later became a prominent banker. The home was purchased by Jim and Pat Buttgen in 1977. During their tenure in the house the Buttgen's completed several remodels of the home including: [1] finishing the attic into a large bedroom and bathroom, [2] added a den to the lower level, [3] restoration of the pine floors throughout the home, and [4] added kitchen cabinets. During the remodel of the home, the Buttgens discovered the remains of a unique underground watering system invented by Mr. McCoy. According to the 2017 Historic Resource Survey, the house was constructed in a Modified L-Plan with Folk Victorian style influences and is classified as a High Contributing Property. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is the 2,152 SF single-family home that was constructed in



FIGURE 1: AUGUST 10, 2012

1885, two (2) covered porches -- being 176 SF and 476 SF -- constructed in 1885, a 100 SF gazebo constructed in 1980, and a 480 SF detached garage constructed in 1986.

#### **PURPOSE**

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the purpose of: [1] demolishing the 176 SF porch situated on the north side of the primary structure, and [2] constructing a new driveway off of Williams Street that does not meet the minimum standards stipulated by the Texas Department of Transportation (TXDOT) or the City.

#### ADJACENT LAND USES AND ACCESS

The subject property is located at 501 Kernodle Street. The land uses adjacent to the subject property are as follows:

North:

Directly north of the subject property is Margaret Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 0.43-acre parcel of land (i.e. 601 Kenodle Street) zoned Single-Family 7 (SF-7) District, and identified as a Non-Contributing Property. Beyond this are the boundaries of the Old Town Rockwall

(OTR) Historic District followed by several parcels of land developed with single-family homes that are zoned Single-Family 7 (SF-7) District.

<u>South</u>: Directly south of the subject is Williams Street, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 306, 308, and 310 Williams Street*) developed with single-family homes that are zoned Single-Family 7 (SF-7) District. 306 & 310 Williams Street are classified as *Low Contributing Properties* and 308 Williams Street is classified as *Low Contributing Property*. Beyond this is *Lofland Park*, which is a 1.377-acre public park.

East: Directly east of the subject property Kernodle Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (i.e. 502 and 506 Kernodle Street and 501 Austin Street) developed with single-family homes. All of these properties are zoned Single-Family 7 (SF-7) District, are located within the Old Town Rockwall Historic District, and are designated as Non-Contributing Properties. Beyond this is Austin Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 501 Williams Street, which is zoned Single-Family 7 (SF-7) District and is classified as a Non-Contributing Property.

<u>West</u>: Directly west of the subject property are two (2) parcels of land (*i.e. 302 and 303 N. Fannin Street*) developed with single-family homes zoned Single-Family 7 (SF-7) District. 303 N. Fannin Street is classified as a *Medium Contributing Property* and 302 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is N. Fannin Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 405, 503 & 601 N. Fannin Street*) developed with single-family homes and zoned Single-Family 7 (SF-7) District. 405 & 503 N. Fannin Street are classified as *Non-Contributing Properties* and 601 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is the boundary of the Old Town Rockwall (OTR) Historic District.

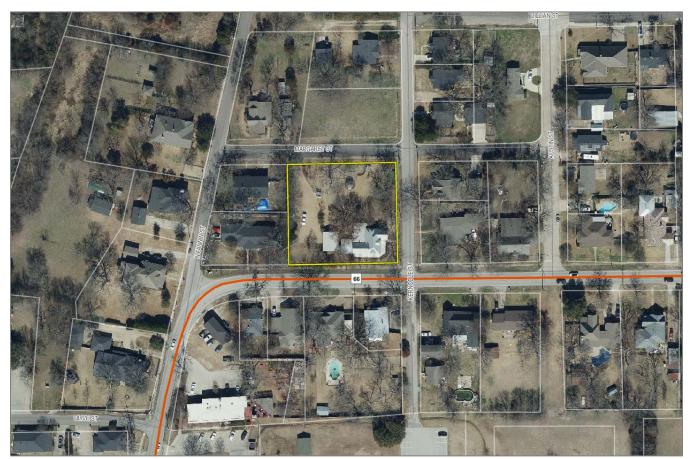


FIGURE 2: LOCATION MAP

#### CHARACTERISTICS OF THE PROJECT

The applicant -- Tim Herriage -- recently purchased the subject property and is in the process of remodeling the single-family home on the subject property. As part of the remodel the applicant is proposing to [1] demolish an existing 176 SF covered porch and [2] construct a driveway approach off of Williams Street. The 176 SF covered porch is situated on the northside of the existing single-family home. According to the Rockwall Central Appraisal District (RCAD) the covered porch was constructed in 1885; however, based on the 1911 & 1934 Sanborn Maps the covered porch was not constructed as of April 1934. Staff has verified that the covered porch has been situated on the subject property since prior to 1977 based on historic records of the property. The applicant is proposing to remove this porch and create a standard 18-inch roof overhang (see Figure 5 for an image of the covered porch). According to the applicant's letter the reason that the demolition is being requested is to facilitate drainage improvements on the property, and to allow the future subdivision of the subject property into "...as many as four total [lots], or as little as two [lots]."

The applicant is also proposing to construct a new driveway along Williams Street. The site plan provided by the applicant shows that the driveway will be approximately 140-feet from the intersection of Williams Street and Kernodle Street. The applicant's letter states that the driveway will be

102 103 10A

FIGURE 3: 1911 SANBORN MAPS

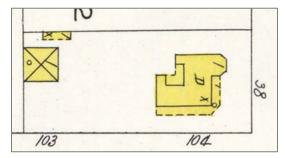


FIGURE 4: 1934 SANBORN MAPS

constructed with concrete. This driveway would be necessary if the applicant is proposing to subdivide the lot in the future. Currently, the property is served from Margert Street.



FIGURE 5: COVERED PORCH TO BE REMOVED



FIGURE 6: PROPOSED DRIVEWAY LOCATION

#### CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Subsection 06.03(F), Certificate of Appropriateness (COA) for Alteration or New Construction, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [Historic Overlay (HOV) District] shall apply only to those properties ... which meet the following criteria: [1] either be a designed historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by Subsection B or be located within 200-feet of a contributing property." In this case, the subject property meets all of the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, is designated as a High Contributing Property, and is directly adjacent to two (2) contributing properties (i.e. 302 Margaret Street which is a High Contributing Property and 303 N. Fannin Street which is a Medium Contributing Property). This section of the ordinance goes on to list specific examples of projects where a Certificate of Appropriateness (COA) is required; "...examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property [include:] ...(b) Demolition or removal of an existing structure... [and] (c) alterations to the facade, including additions and removals that will be visible from a public street...". The two (2) projects proposed by the

applicant (i.e. the addition of a new concrete driveway and demolition of an existing covered porch) are projects that require a Certificate of Appropriateness (COA).

Looking at the proposed demolition of the 176 SF covered porch, Section 10, *Demolition Criteria*, of Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC) states:

"Demolition of a structure which contributes historically or architecturally to the Historic District should be prohibited, except as provided below. Demolition of a structure would be allowed if:

- (a) The building has lost its architectural and historical integrity and importance, and its removal will not result in a negative, less appropriate visual effect on the Historic District; or
- (b) A structure does not contribute to the historical or architectural character and importance of the Historic District (e.g. a Non-Contributing Structure), and its removal will result in a positive, appropriate visual effect on the Historic District; or
- (c) There is an imminent threat to the health, safety and welfare to the surrounding residents and/or property because of an unsafe condition that constitutes an emergency (see Section 11, Demolition by Neglect)."

In this case, staff has established that the covered porch is not original to the single-family home that was constructed in 1885. Based on the dates estimated by staff (*i.e. that the covered porch was constructed after 1934 but prior to 1977*), the covered porch does not appear to be architecturally and historically significant to the existing single-family home, and the removal of the structure would bring the property closer into conformance with original structure constructed by M. H. McCoy.

With regard to the proposed driveway, the applicant has submitted a site plan showing that the drive approach will be constructed on the side yard of the subject property off of Williams Street (*i.e. SH-66*). According to Section 07, *Building Standards*, of Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC), "(u)nless previously used for a driveway, the side yard is to be used for landscaping with the purpose of enhancing the structure with plant materials." In addition, this section goes on to state that "the driveway should not exceed a width of ten (10) feet …" [and] "… (o)n a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street." In this case, the garage on the subject property was constructed in 1980, faces towards the rear property line, and takes access from Margaret Street.

Staff is also obligated to point out that the applicant's request of setting the driveway 140-feet from the intersection of Kernodle Street and Margaret Street does not meet the minimum standards established by the City of Rockwall and the Texas Department of Transportation (TXDOT). Specifically, the City's Engineering Standards of Design and Construction Manual stipulates a minimum driveway spacing of 200-feet from the intersection of a Collector (i.e. SH-66 or Williams Street) and Local (i.e. Kernodle Street), and the Texas Department of Transportation's (TXDOT's) Access Management Manual requires a minimum spacing for driveways of 200-feet for State Highways with a posted speed of 30 MPH. The applicant has stated in his letter that there are currently seven (7) driveways within 200-feet of the subject property that take access onto SH-66. It should be noted that there are actually only six (6) residential driveways within 200-feet of the subject property, and that all but one (1) driveway is located on the southside of SH-66. The subject property is currently on the northside of SH-66. Staff should also point out that these homes were constructed in 1905, 1918, 1939, 1975, 1985, and 1991, well before the current traffic volumes carried by this roadway were established, and that many of the properties on the southside of SH-66 only have the ability to access SH-66. The subject property has the ability to access both Kernodle Street and Margaret Street, which are smaller roadways intended to carry residential traffic. It is also worth mentioning that no new driveways have been permitted onto SH-66 in this area since 1991. Staff did request that the Police Department provide a list of vehicular accidents in the area between N. Fannin Street and Kernodle Street from 2020 to present, and was provided with a report of five (5) separate vehicular accident reports in this block (i.e. one [1] from 2020, two [2] from 2021, and two [2] from 2022). Since the applicant will need to request a variance from both the City of Rockwall's Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) before being able to proceed with construction, the Historic Preservation Advisory Board (HPAB) would be providing a recommendation through the action taken in this Certificate of Appropriateness (COA) case.

Subsection 06.03(G)(5), Standards for Approval, of Article 05, District Development Standards, of the Unified Development Code (UDC), states "(t)he Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that ... the application will not adversely affect the character of the site and the proposed work is consistent with the regulations contained in this section [Section 06.03, Historic Overlay (HOV) District, UDC] and proposed preservation criteria [Appendix D, Historic Preservation Guidelines, UDC]." As stated above, the proposed demolition of the covered porch does not appear to change the essential character of the subject property; however, the proposed driveway approach off of SH-

66 appears to not only have the potential to create an unsafe condition by adding an additional driveway on SH-66, but also provides the applicant with the ability to subdivide the property into additional lots that could affect the character of the subject property. In addition, the driveway request is not consistent with the regulations contained in the Unified Development Code (UDC). With this being said, the approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB).

### **CONDITIONS OF APPROVAL**

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a Certificate of Occupancy (COA), staff would propose the following conditions of approval:

- (1) The applicant will be required to seek approval of a variance from the Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) for driveway spacing.
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



FOR THIS CASE TO BE APPROVED.

**OWNER'S SIGNATURE** 

# HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087

STAFF USE ONLY	
CASE NUMBER:	
NOTE: THE APPLICATION IS NOT	
CITY UNTIL THE PLANNING DIRECT	TOR HAS SIGNED BELOW.
DIRECTOR OF PLANNING:	
DATE RECEIVED:	
DECEIVED BY	

APPLICATION:  CERTIFICATE OF APPROPRIATENESS (COA)  LOCAL LANDMARK EVALUATION & DESIGNATION BUILDING PERMIT WAIVER & REDUCTION PROGRAM SMALL MATCHING GRANT APPLICATION  SPECIAL DISTRICTS [SELECT APPLICABLE]: PLOUD TOWN ROCKWALL HISTORIC (OTR) DISTRICT PLANNED DEVELOPMENT DISTRICT 50 (PD-50) SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT DOWNTOWN (DT) DISTRICT	CONTRIBUTING STATUS [SELECT APPLICABLE]:  LANDMARKED PROPERTY  HIGH CONTRIBUTING PROPERTY  MEDIUM CONTRIBUTING PROPERTY  LOW CONTRIBUTING PROPERTY  NON-CONTRIBUTING PROPERTY  CURRENT LAND USE OF THE SUBJECT PROPERTY:  COMMERCIAL
PROPERTY INFORMATION [PLEASE PRINT]	
ADDRESS 501 Kernodle St, Roc	Kuall TX 79087
SUBDIVISION Buty (n	LOT 1-R BLOCK
OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHE	CK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]
IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT? $\frown$ YES $\Box$ NO	APPLICANT(S) IS/ARE: OWNER TENANT NON-PROFIT RESIDENT
CHECK THIS BOX IF OWNER AND APPLICANT ARE THE SAME.	OTHER, SPECIFY:
OWNER(S) NAME Tim Herriage	APPLICANT(S) NAME
ADDRESS 501 Kernadle 5+	ADDRESS
Rock-11, TX 75087	
PHONE 214 607/1227	PHONE
E-MAIL tim Q tim herrigge.com	E-MAIL
SCOPE OF WORK/REASON FOR EVALUATION REQUEST	IPLEASE PRINTI
	EW CONSTRUCTION  ADDITION
	HER, SPECIFY:
ESTIMATED COST OF CONSTRUCTION/DEMOLITION OF THE PROJECT (IF APPLICAB	LE): \$ 5,000
FOR LOCAL LANDMARK EVALUATION & DESIGNATION REQUESTS INDICATE ANY A SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PAST USE(S), ETC. SPROPERTY ARE SUBMITTED WITH THIS APPLICATION.	EET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE.  ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY,  STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE
We propose to demolish the s	the porch and overhead on the
North Sidest the home.	venill replace with an 18"-
24 inch overhand we will a	se the same siding as in oreyent.
This is part of the structu	not that was added in 1985
This is nece asay in older	the porch and overhead on the venill replace with an 18"—  so the Same Siding as in present.  or that was added in 1985.  to fix draining.
OWNER & APPLICANT STATEMENT [ORIGINAL SIGNATURES REQUI	
I ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THAT ALL I	NFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF RY FOR ME OR A REPRESENTATIVE TO BE PRESENT AT A PUBLIC HEARING

APPLICANT'S SIGNATURE





# City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.













#### Dear Board Members,

I am the owner of 501 Kernodle St, Rockwall, TX 75087. This property was developed more than 150 years ago and currently sits on just shy of an acre of land. While this was common in 1883, it is no longer common today nor is it sustainable. This is in large part due to poor drainage on the property that has been caused by the elevation of Margaret and Kernodle Streets. Significant lot drainage modifications need to be undertaken to mitigate further damage and degradation of the historic home at this site. The most impactful is the relocation of the long gravel driveway. Replacing this driveway with a concrete alternative on Williams. This will allow a swale to be cut from West to East. This swale is needed in order to divert the storm water that drains from the City streets onto the property, and under the historic home. These streets are higher than the property's foundation.

It is our intention to restore and protect this historical property and put it on a course to be maintained for another century. To date, we have literally dug the home out of the ground. We have installed a \$10,000 French drain and sump pump system to protect the home from the watershed that is occurring.

Our plan is to subdivide this property into multiple properties. This could be as many as four total, or as little as two. We believe this will put the property on a path to preservation and create a maintenance and upkeep situation that is sustainable for another century.

We cannot continue with our subdivision and drainage planning without first requesting the variance we seek today. We are requesting a waiver and variance of the City of Rockwall and the Texas Department of Transportation minimum entrance spacing. The approximate spacing I am requesting is 140' on each side vs the 200' minimum. This request is consistent with the neighborhood, area, and the immediate vicinity. In fact, there are 7 driveways within 200 feet of the proposed site.

In my attached site plan, I have modified the original plan to accommodate the City of Rockwall's safety concerns. This new plan only allows entrance and exit into or from the westbound lane. This plan also allows for adequate turning radius and back up aprons, which will prevent the need and ability to reverse onto Williams.

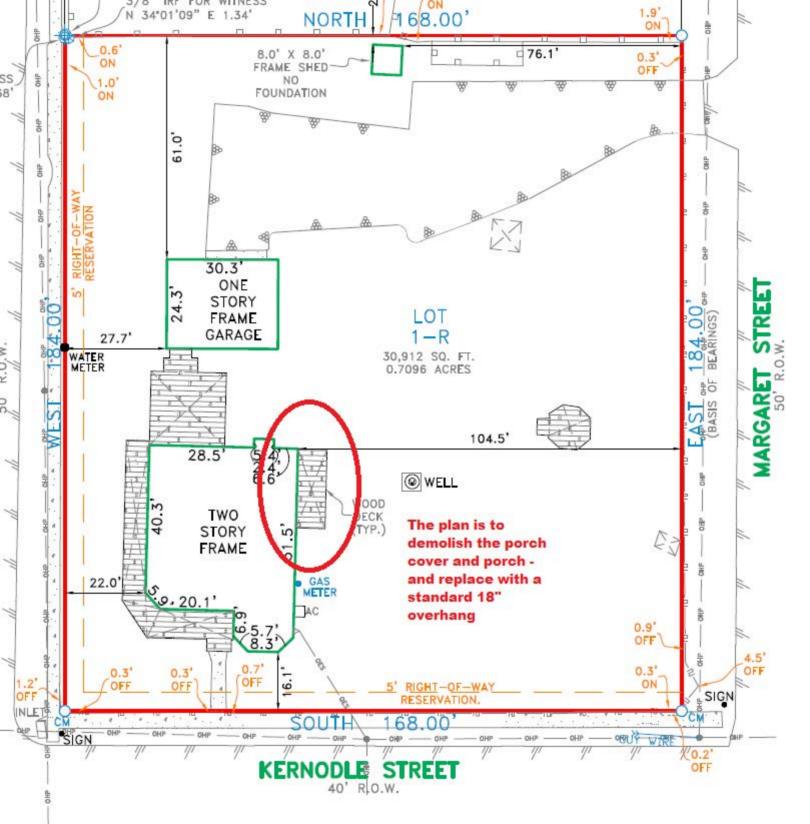
Upon approval of this variance and the associated permit, we will finalize and submit a subdivision plan and our drainage improvement plans. These plans will address the drainage issues associated with the current lot plan – which will further protect the unique historical home we own.

As multigenerational residents, citizens, and property owners of the City of Rockwall and Rockwall County, it is our goal to increase property values, maintain the unique and historical nature of this property, and create more housing options within this highly desirable area.

Sincerely,

Tim Herriage and Jennifer Raney Herriage

Jennifer's Homes, Inc



# 501 Kernodle Street

Lot 1-R, Block 2, of BUTTGEN ADDITION, an Addition to the City of Rockwall of Rockwall, Rockwall County, Texas, according to the map or plat thereof recorded in Cabinet F, Slide 221, of the Plat Records of Rockwall County, Texas.







O 1/2" ROD FOUND ⊗ 1/2" ROD SET ☑ "X" FOUND/SET

**⊗** 3/8" ROD FOUND

POINT FOR CORNER FENCE POST FOR CORNER

CONTROLLING MONUMENT

AC AIR CONDITIONER

PE POOL EQUIPMENT

TE TRANSFORMER PAD

■ COLUMN

POWER POLE UNDERGROUND ELECTRIC

 $\triangle \ \ {\small \ \, {\small \ \, OVERHEAD} \atop \scriptstyle ELECTRIC}$ 

TELE TELEPHONE PEDESTAL

BL BUILDING LINE AE AERIAL EASEMENT

SANITARY SSE SEWER EASEMENT

GM GAS METER WM WATER METER

LP LIGHT POLE

UTILITY EASEMENT

-OHP-OVERHEAD ELECTRIC POWER -OES-

OVERHEAD ELECTRIC SERVICE

-0-CHAIN LINK

WOOD FENCE 0.5'
WIDE TYPICAL

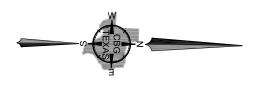
IRON FENCE BARBED WIRE

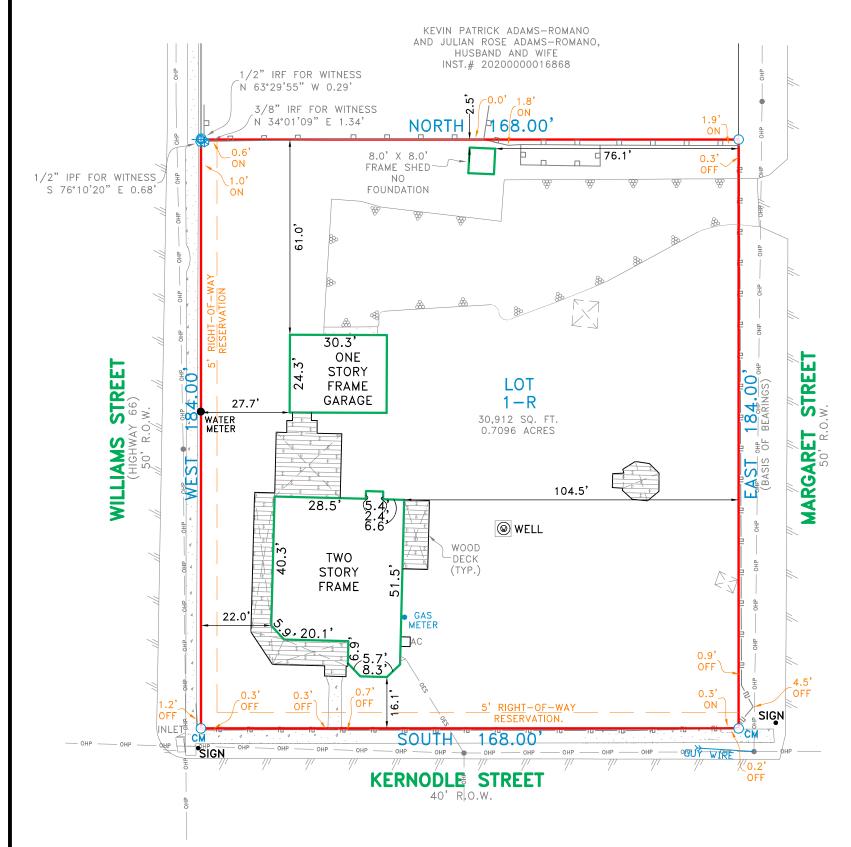
- 🗆 -DOUBLE SIDED WOOD FENCE

EDGE OF ASPHALT

EDGE OF GRAVEL CONCRETE COVERED AREA BRICK 

STONE





## **EXCEPTIONS:**

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS
CONTAINED IN INSTRUMENTS RECORDED IN CAB. F, SLD. 221

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 1349, PG. 286

Purchaser

Purchaser

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

www.cbgtxllc.com

This survey is made in conjunction with the information provided by Independence Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

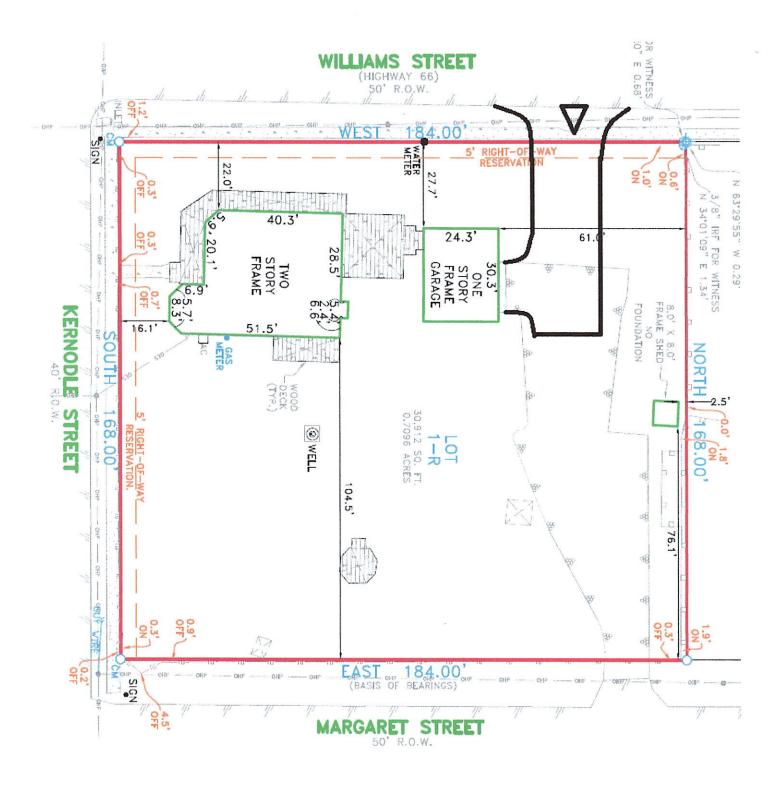
Drawn By: BVM/SRG 1" = 30 Date: 07-23-2021 GF No.: 2142620-RWDA



Accepted by: Date:

**Job No.** 2115553













PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
CC: Mary Smith, *City Manager* 

Joey Boyd, Assistant City Manager

**FROM:** Ryan Miller, *Director of Planning and Zoning* 

**DATE**: June 6, 2022

SUBJECT: H2022-004; Appeal for a Certificate of Appropriateness (COA) for 501 Kernodle Street

On May 19, 2022, the Historic Preservation Advisory Board (HPAB) approved a motion to deny a Certificate of Appropriateness (COA) for 501 Kernodle Street by a vote of 4-0 with Board Members Odom, Adams, and McClintock absent. Specifically, this case dealt with a proposal to add a driveway on the side yard of the subject property accessing Williams Street [SH-66]. The subject property is classified as a High Contributing Property according to the 2017 Historic Resource Survey. The proposed driveway does not meet the City's Historic Preservation Guidelines contained in Appendix D, Historic Preservation Guidelines, of the Unified Development Code (UDC) or the driveway spacing requirements contained in the Engineering Standards of Design and Construction Manual. Additionally -- and a major reason the driveway cannot be approved -- the driveway does not meet the minimum driveway spacing requirements for the Texas Department of Transportation (TXDOT). In making their decision the Historic Preservation Advisory Board (HPAB) cited safety and the lack of conformance to the Historic Preservation Guidelines as being the reason for the denial.

In accordance with the requirements of the Unified Development Code (UDC), the applicant submitted a request for an appeal to the City Council (see Exhibit A). According to Subsection 06.03(H)(1), Appeal Process, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(i)f the Certificate of Appropriateness (COA) is denied, the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Office (HPO) within ten (10) business days after the decision of the board. In considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy." Based on this, staff has included -- in the attached packet -- all of the materials provided to the Historic Preservation Advisory Board (HPAB) for their May 19, 2022 meeting. Staff should note that the City Attorney has reviewed this case and agrees with the Historic Preservation Advisory Board's (HPAB's) determination for denial.

## Exhibit 'A' Applicant Appeal Request

#### Miller, Ryan

From: Tim Herriage <tim@timherriage.com>
Sent: Thursday, May 19, 2022 7:45 PM

To: Miller, Ryan Subject: Appeal

I would like to appeal the boards decision. What is the process.

Regards,

Tim Herriage 214.607.1227 Sent from my iPhone

NOTICE: The information contained in this message is proprietary and/or confidential and may be privileged. If you are not the intended recipient of this communication, you are hereby notified to: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. This communication is not an offer to sell or a solicitation of any offer to buy any securities. Offers are made only by prospectus or other offering materials. To obtain further information, you must complete our investor questionnaire and meet the suitability standards required by law. My typed name in this e-mail is not my electronic signature nor is it the electronic signature of any of my clients.

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#### CITY OF ROCKWALL

#### HISTORIC PRESERVATION ADVISORY BOARD MEMORANDUM

#### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Historic Preservation Advisory Board

FROM: Ryan Miller, Director of Planning and Zoning

**DATE**: May 19, 2022

SUBJECT: H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

On April 21, 2022, the Historic Preservation Advisory Board (HPAB) reviewed a Certificate of Appropriateness (COA) request for the property at 501 Kernodle Street. Specifically, the applicant -- Tim Herriage -- was requesting the Certificate of Appropriateness (COA) for the purpose of [7] demolishing an existing 176 SF covered porch and [2] constructing a driveway approach off of Williams Street. Ultimately, the board approved a motion to grant the Certificate of Appropriateness (COA) for the demolition of the covered porch, but deny the Certificate of Appropriateness (COA) and recommend denial of the variance request to the Planning and Zoning Commission for the driveway approach off of Williams Street. This motion was approved by a vote of 4-0, with Board Members Miller, Bowlin and Adams absent. At the time of the meeting, staff was under the impression that the variance request to the driveway spacing requirements could continue forward to the Planning and Zoning Commission with a recommendation for denial regardless of the Board's action on the Certificate of Appropriateness (COA); however, after reviewing the requirements of the Unified Development Code (UDC) with the City Attorney, it was determined that the request could <u>not</u> move forward to the Planning and Zoning Commission without an approved Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). Since staff had advised the Board to word their motion as a recommendation to the Planning and Zoning Commission, the City Attorney has advised staff to bring the case back to the Historic Preservation Advisory Board (HPAB) to allow them to rehear the case, and make a corrected motion. In response to this, the applicant has submitted a Historic Preservation Advisory Board (HPAB) application (see the application in the attached packet) requesting a Certificate of Appropriateness (COA) for the driveway, and claiming -- that regardless of the Development Application that was filed requesting a variance to the driveway spacing requirements -- this is his first request for a Certificate of Appropriateness (COA) for the driveway. Staff should point out that regardless of if this case is a reconsideration of the previous motion or a new case entirely, the Historic Preservation Advisory Board (HPAB) retains the discretion to: [1] approve the Certificate of Appropriateness (COA) [which would send a recommendation of approval for the variance request to the Planning and Zoning Commission or [2] deny the Certificate of Appropriateness (COA) application. Staff should note that if the Board chooses to deny the request, the applicant has the right to appeal the Board's decision to the City Council. When considering an appeal "...the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy."

Staff should note that the applicant has provided additional information since the original submittal, and that this information has been provided in the attached packet. Based on this new information, staff has updated the case memo from the April 21, 2022 meeting to: [7] remove the information relating to the Certificate of Appropriateness (COA) for the covered porch, and [2] to address the new information provided by the applicant. With this being said, the new information provided by the applicant has not changed staff's position with regard to this request, and staff is still of the opinion that allowing this driveway approach off of SH-66 could create the potential for an unsafe condition; however, all requests for a Certificate of Appropriateness (COA) are discretionary decisions for the Historic Preservation Advisory Board (HPAB). Should the Board have any questions concerning this case, staff and the applicant will be present at the meeting to discuss.



#### CITY OF ROCKWALL

#### HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

#### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Historic Preservation Advisory Board

DATE: May 19, 2022
APPLICANT: Tim Herriage

CASE NUMBER: H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

#### **SUMMARY**

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a *Certificate of Appropriateness (COA)* for a *High Contributing Property* being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

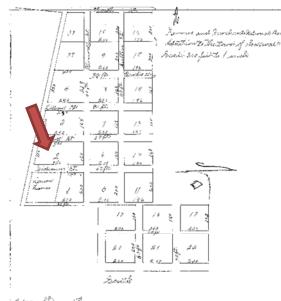
#### **BACKGROUND**

The structure at 501 Kernodle Street was constructed in 1885 by M. H. McCoy. Mr. McCoy was a local businessman who also owned Rockwall's first hardware store and later became a prominent banker. The home was purchased by Jim and Pat Buttgen in 1977. During their tenure in the house the Buttgen's completed several remodels of the home including: [1] finishing the attic into a large bedroom and bathroom, [2] added a den to the lower level, [3] restoration of the pine floors throughout the home, and [4] added kitchen cabinets. During the remodel of the home, the Buttgens discovered the remains of a unique underground watering system invented by Mr. McCoy. According to the 2017 Historic Resource Survey, the house was constructed in a Modified L-Plan with Folk Victorian style influences and is classified as a High Contributing Property. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is the 2,152 SF single-family home that was constructed in 1885, two (2) covered porches -- being 176 SF and 476 SF -- constructed in 1885, a 100 SF gazebo constructed in 1980, and a 480 SF detached garage constructed in 1986.

The subject property was originally platted as Block 2, F&M Addition on September 14, 1896 (see Figure 2). At the time of platting the property included the two (2) lots to the west of the subject property (i.e. identified by RCAD as NW/4 C and SW/4 C of Block 2, F&M Addition). This indicates that at the time the F&M Addition was established Block 2 was a single property. This property was later subdivided and established as Lot 1-R, Block 2 Buttgen Addition on July 3, 2005. Based on the City's Historic Plat/Ownership Books staff has been able to verify the configuration and ownership of the property since 1968 (see Figures 3 & 4).



FIGURE 1: AUGUST 10, 2012

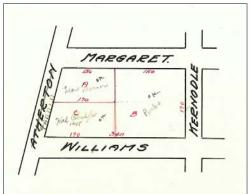


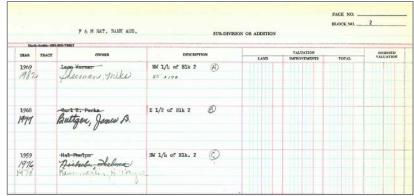
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FIGURE 2: F&M ADDITION SUBDIVISION PLAT (1896)





FIGURES 3 & 4: EXCERPTS FROM THE CITY'S HISTORIC PLAT/OWNERSHIP BOOKS

#### **PURPOSE**

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the purpose of constructing a new driveway off of Williams Street that does <u>not</u> meet the minimum standards stipulated by the Texas Department of Transportation (TXDOT) or the City of Rockwall.

#### ADJACENT LAND USES AND ACCESS

The subject property is located at 501 Kernodle Street. The land uses adjacent to the subject property are as follows:

- North: Directly north of the subject property is Margaret Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 0.43-acre parcel of land (i.e. 601 Kenodle Street) zoned Single-Family 7 (SF-7) District, and identified as a Non-Contributing Property. Beyond this are the boundaries of the Old Town Rockwall (OTR) Historic District followed by several parcels of land developed with single-family homes that are zoned Single-Family 7 (SF-7) District.
- South: Directly south of the subject is Williams Street, which is identified as a Minor Collector on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (i.e. 306, 308, and 310 Williams Street) developed with single-family homes that are zoned Single-Family 7 (SF-7) District. 306 & 310 Williams Street are classified as Low Contributing Properties and 308 Williams Street is classified as Low Contributing Property. Beyond this is Lofland Park, which is a 1.377-acre public park.
- East: Directly east of the subject property Kernodle Street, which is identified as a R2U (*residential, two* [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 502 and 506 Kernodle Street and 501 Austin Street*) developed with single-family homes. All of these properties are zoned Single-Family 7 (SF-7) District, are located within the Old Town Rockwall Historic District, and are designated as *Non-Contributing Properties*. Beyond this is Austin Street, which is identified as a R2U (*residential, two* [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 501 Williams Street, which is zoned Single-Family 7 (SF-7) District and is classified as a *Non-Contributing Property*.
- <u>West</u>: Directly west of the subject property are two (2) parcels of land (*i.e. 302 and 303 N. Fannin Street*) developed with single-family homes zoned Single-Family 7 (SF-7) District. 303 N. Fannin Street is classified as a *Medium Contributing Property* and 302 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is N. Fannin Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 405, 503 & 601 N. Fannin Street*) developed with single-family homes and zoned Single-Family 7 (SF-7) District. 405 & 503 N. Fannin Street are classified as *Non-Contributing Properties* and 601 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is the boundary of the Old Town Rockwall (OTR) Historic District.



FIGURE 5: LOCATION MAP

#### **CHARACTERISTICS OF THE PROJECT**

The applicant -- *Tim Herriage* -- recently purchased the subject property from Jim and Pat Buttgen, and is in the process of remodeling the single-family home on the subject property. As part of the remodel the applicant is proposing to construct a driveway approach off of Williams Street and remove the existing driveway. The site plan provided by the applicant shows that the driveway will be approximately 140-feet from the intersection of Williams Street and Kernodle Street. The applicant's letter states that the driveway will be constructed with concrete and is being proposed to facilitate better drainage on the property. Staff should note, that this driveway relocation would be necessary if the applicant is proposing to subdivide the lot in



FIGURE 6: PROPOSED DRIVEWAY LOCATION

the future. Currently, the property is served by a gravel driveway that extends from the subject property to Margert Street.

#### CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Subsection 06.03(F), Certificate of Appropriateness (COA) for Alteration or New Construction, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [Historic Overlay (HOV) District] shall apply only to those properties ... which meet the following criteria: [1] either be a designed historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by Subsection B or be located within 200-feet of a contributing property." In this case, the subject property meets all of the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, is designated as a High Contributing Property, and is directly adjacent to two (2) contributing properties (i.e. 302 Margaret Street which is a Medium

Contributing Property). In addition, Section 06, Certificate of Appropriateness (COA), of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC) states that "(a)ny person carrying out any work that requires a building permit for exterior alteration, restoration, reconstruction, new construction, moving or demolition of a property within a historic district that is visible must first obtain a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB)..." Based on this, the applicant's scope of work requires a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB).

In reviewing and acting upon a Certificate of Appropriateness (COA) "(t)he Historic Preservation Advisory Board (HPAB) shall follow the design guidelines as adopted by the City Council in its consideration of all applications for a Certificate of Appropriateness (COA)." In this case, the *Building Standards* relating to driveways contained in Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC) that are applicable to the applicant's request are as follows: "[1] The purpose of the driveway shall be to create a paved surface for the movement of vehicles to parking areas. The driveway is defined as the paved area within the property line extending from the back of the sidewalk or lot line to the garage, out building or porte-cochere. [2] The driveway should not exceed a width of ten (10) feet. [3] The driveway may extend along the side of the residence or structure, through the porte-cochere (if applicable) to the to the rear yard ... [5] On a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street. All other width and approach regulations will apply to driveways on corner lots ... [8] Parking should be on "improved" surfaces only, thereby maintaining the integrity of the front, side and rear yards of the property." In addition, Subsection (F) of these guidelines also states that "(u)nless previously used for a driveway, the side yard is to be used for landscaping with the purpose of enhancing the structure with plant materials."

In this case, the applicant is proposing to relocate the driveway from Margaret Street to Williams Street. As stated above, "... (o)n a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street." The garage at 501 Kernodle Street was constructed in 1986, faces towards the rear property line, and takes access from Margaret Street. In addition, the current driveway on Margaret Street <u>does</u> meet the City's driveway spacing requirements. The applicant's request of setting the driveway 140-feet from the intersection of Kernodle Street and Margaret Street <u>does not</u> meet the minimum standards established by the City of Rockwall and the Texas Department of Transportation (TXDOT). Specifically, the City's Engineering Standards of Design and Construction Manual stipulates a minimum driveway spacing of 200-feet from the

intersection of a Collector (i.e. SH-66 or Williams Street) and Local (i.e. Kernodle Street), and the Texas Department of Transportation's (TXDOT's) Access Management Manual requires a minimum spacing for driveways of 200-feet for State Highways with a posted speed of 30 MPH. The applicant has stated in his letter that there are currently seven (7) driveways within 200-feet of the subject property that take access onto SH-66. It should be noted that there are actually only six (6) residential driveways within 200-feet of the subject property, and that all but one (1) driveway is located on the southside of SH-66 (see the driveway exhibit in the attached packet). The subject property is currently on the northside of SH-66. Staff should also point out that these homes were constructed in 1905, 1918, 1939, 1975, 1985, and 1991, well before the current traffic volumes carried by this roadway were established, and that many of the properties on the southside of SH-66 only have the ability to access SH-66. The subject property has the ability to access both Kernodle Street and Margaret Street, which are smaller roadways intended to carry residential traffic. It is also worth mentioning that no new driveways have been permitted onto SH-66 in this area since 1991. Staff did request that the Police Department provide a list of vehicular accidents in the area between N. Fannin Street and Kernodle Street from 2020 to present, and was provided with a report of five (5) separate vehicular accident reports in this block (i.e. one [1] from 2020, two [2] from 2021, and two [2] from 2022) [this has been provided in the attached packet].

With this case, the applicant has submitted a revised letter and additional information from the information that was originally presented at the April 21, 2022 meeting. The applicant's new letter states that the Sanborn Maps from 1911 and 1934 show that "...carriages/vehicles most likely would have

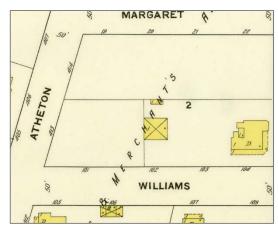


FIGURE 7: 1911 SANBORN MAPS

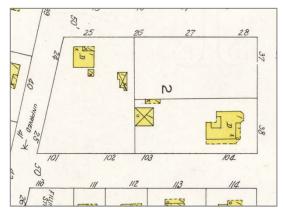


FIGURE 8: 1934 SANBORN MAPS

entered the home from Williams. Specifically given the clear 'dividing line' present on both maps and location of barn/stable." Staff has reviewed the Sanborn Maps, the original subdivision plat, and all properties that were constructed prior to 1900 to determine if there is any validity to the applicant's statement. Specifically, staff observed that: [1] the home was originally platted on a single lot that took up the entire block indicating that the land making up Block 2 was under common ownership, [2] the Sanborn Maps do <u>not</u> show driveway access, and [3] based on homes constructed during a similar time period as the home on the subject property there does not appear to be a pattern to where driveways were located during this time period (see Table 1). Taking all of this into consideration, staff does not see anything that would indicate that "...carriages/vehicles most likely would have entered the home from Williams." In fact, it is just as probable to assume that the property had access from Kernodle Street, especially when considering that the front door of the home on the subject property faces Kernodle Street. Finally, in the applicant's information he links the proposed driveway to fixing drainage issues on the site. Staff has reviewed the information that the applicant has submitted and cannot determine a correlation between the two (2) issues (i.e. proper drainage of the property can be achieved regardless of where the driveway is located). It should also be noted that the applicant's plan appears to propose creating a concentrated flow condition, which would have to be engineered to determine if the existing drainage systems has the capacity necessary to accommodate this flow. In addition, this would have to be approved by the City of Rockwall and the Texas Department of Transportation (TXDOT).

<u>TABLE 1</u>: DRIVEWAY LOCATION IN RELATION TO THE FRONT DOOR FOR HOME CONSTRUCTED PRIOR TO 1900 <u>MOTES</u>: THE FRONT DOOR IS ASSUMED TO BE THE FRONT OF THE HOUSE SO: [1] FRONT = DRIVEWAY AND FRONT DOOR FACING THE SAME STREET; [2] SIDE = DRIVEWAY IS LOCATED ON ONE OF THE SIDE YARDS WITH THE FRONT DOOR FACING THE FRONT YARD; AND [3] REAR = DRIVEWAY IS AT THE REAR OF THE PROPERTY AND THE FRONT DOOR IS FACING THE FRONT YARD.

THE FIRST ENGINEERING THE FIRST BO	JOIL IO I FLORITO TITLE I IL	0.1		
PROPERTY	YEAR BUILT	DRIVEWAY LOCATION	CURRENT USE	MULTIPLE STREET FRONTAGE
307 S. CLARK STREET	1890	FRONT	RESIDENTIAL	NO
302 S. FANNIN STREET	1895	REAR	COMMERCIAL	YES
702 N. GOLIAD STREET	1898	FRONT	COMMERCIAL	NO
912 N. GOLIAD STREET	1893	FRONT	COMMERCIAL	NO
501 KERNODLE STREET	1885	SIDE YARD	RESIDENTIAL	YES
300 MUNSON STREET	1880	FRONT	RESIDENTIAL	YES
402 MUNSON STREET	1885	SIDE YARD	RESIDENTAIL	YES
406 E. RUSK STREET	1890	FRONT	RESIDENTAIL	YES
507 E. RUSK STREET	1890	SIDE YARD	RESIDENTAIL	YES
406 STARR STREET	1896	FRONT AND SIDE YARD	RESIDENTAIL	YES
501 STORRS STREET	1885	FRONT	RESIDENTIAL	YES
602 STORRS STREET	1890	SIDE YARD	RESIDENTIAL	YES
605 WASHINGTON STREET	1895	FRONT	RESIDENTAIL	NO

Subsection 06.03(G)(5), Standards for Approval, of Article 05, District Development Standards, of the Unified Development Code (UDC), states "(t)he Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that ... the application will not adversely affect the character of the site and the proposed work is consistent with the regulations contained in this section [Section 06.03, Historic Overlay (HOV) District, UDC] and proposed preservation criteria [Appendix D, Historic Preservation Guidelines, UDC]." Based on the information contained in this case memo, the proposed driveway approach off of SH-66 appears to not only have the potential to create an unsafe condition by adding an additional driveway onto SH-66, but also provides the applicant with the ability to subdivide the property into additional lots that could affect the character of the subject property. In addition, the driveway request is not consistent with the guidelines contained in the Unified Development Code (UDC) and used to evaluate Certificate of Appropriateness (COA) requests. With all of this being said, the approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB). Since the applicant will need to request a variance from both the City of Rockwall's Planning and Zoning Commission and the Texas Department of Transportation (TXDOT), should the Historic Preservation Advisory Board (HPAB) choose to approve the request for a Certificate of Appropriateness (COA) a recommendation for approval would be forwarded to the Planning and Zoning Commission; however, if the Historic Preservation Advisory Board (HPAB) chooses to deny the Certificate of Appropriateness (COA) this case could not move forward to the Planning and Zoning Commission for a variance to the driveway spacing requirements.

#### **NOTIFICATIONS**

On May 6, 2022, staff mailed 30 property owner notifications to all property owners and occupants within 200-feet of the subject property. At the time this case memo was prepared, staff had not received any notices returned regarding the applicant's request.

#### **CONDITIONS OF APPROVAL**

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a Certificate of Occupancy (COA), staff would propose the following conditions of approval:

- (1) The applicant will be required to seek approval of a variance from the Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) for driveway spacing.
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



APPLICATION:

CERTIFICATE OF APPROPRIATENESS (COA)

LOCAL LANDMARK EVALUATION & DESIGNATION

# HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087

S	TA	FF	USE	ON	LY

CONTRIBUTING STATUS [SELECT APPLICABLE]:

LANDMARKED PROPERTY

HIGH CONTRIBUTING PROPERTY

CASE NUMBER:

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR HAS SIGNED BELOW.

DIRECTOR OF PLANNING:

DATE RECEIVED:

RECEIVED BY:

□ BUILDING PERMIT WAIVER & REDUCTION PROGRAM □ SMALL MATCHING GRANT APPLICATION  SPECIAL DISTRICTS [SELECT APPLICABLE]: □ OLD TOWN ROCKWALL HISTORIC (OTR) DISTRICT □ PLANNED DEVELOPMENT DISTRICT 50 (PD-50) □ SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO □ DOWNTOWN (DT) DISTRICT	☐ MEDIUM CONTRIBUTING PROPERTY ☐ LOW CONTRIBUTING PROPERTY ☐ NON-CONTRIBUTING PROPERTY  CURRENT LAND USE OF THE SUBJECT PROPERTY:  RESIDENTIAL ☐ COMMERCIAL
PROPERTY INFORMATION [PLEASE PRINT]  ADDRESS 501 Kernodic  SUBDIVISION Buttyen	LOT IR BLOCK
OWNER/APPLICANT/AGENT INFORMATION IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT? CHECK THIS BOX IF OWNER AND APPLICANT ARE TH	[PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]  YES □ NO APPLICANT(S) IS/ARE: ○ OWNER □ TENANT □ NON-PROFIT □ RESIDENT  E SAME. □ OTHER, SPECIFY:
OWNER(S) NAME Jennifer's Homes  ADDRESS 2701 Whispering  Rockmill, TX  PHONE 214607 122	APPLICANT(S) NAME  ADDRESS  PHONE
COPE OF WORK/REASON FOR EVALUATION CONSTRUCTION TYPE [CHECK ONE]:    EXTERIOR ALTE   RELOCATIONS	RATION   NEW CONSTRUCTION   ADDITION   DEMOLITION   DEMOL
PROJECT DESCRIPTION. IN THE SPACE PROVIDED BELOW OR OF OR LOCAL LANDMARK EVALUATION & DESIGNATION REQUESTING SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PROPERTY ARE SUBMITTED WITH THIS APPLICATION	ON A SEPARATE SHEET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE. TS INDICATE ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY, PAST USE(S), ETC. STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE
approach apron.	
NER & APPLICANT STATEMENT [ORIGINAL SINCKNOWLEDGE THAT I HAVE READ THIS APPLICATION KNOWLEDGE. FURTHERMORE, I UNDERSTAND THAT OR THIS CASE TO BE APPROVED.	GNATURES REQUIRED] AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF IT IS NECESSARY FOR ME OR A REPRESENTATIVE TO BE PRESENT AT A PUBLIC HEARING
WNER'S SIGNATURE	APPLICANT'S SIGNATURE

HISTORIC PRESERVATION ADVISORY BOARD APPLICATION . CITY OF ROCKWALL . 385 SOUTH GOLIAD STREET . ROCKWALL, TX 75087 . [P] (972) 771-7745





# City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

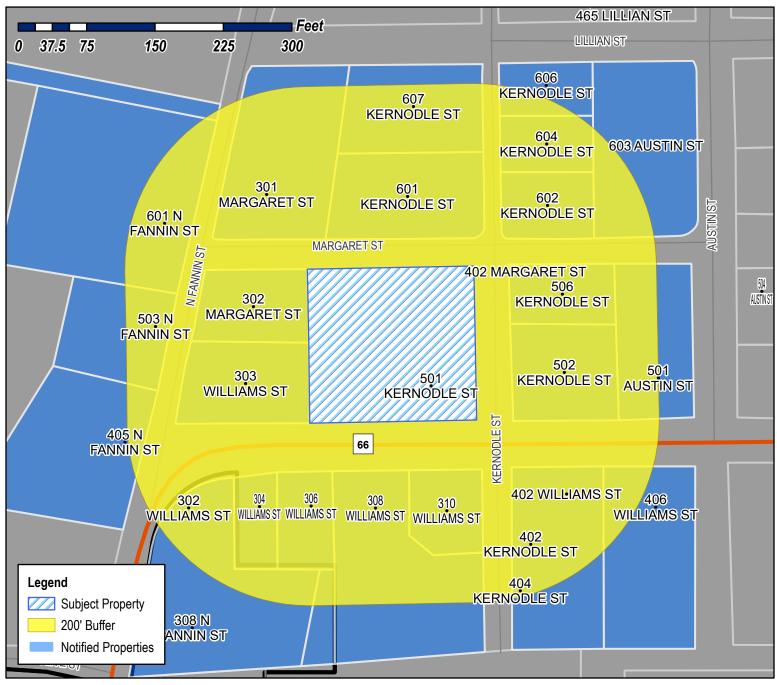




### City of Rockwall

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Case Number: H2022-004

Case Name: COA for High Contributing Property

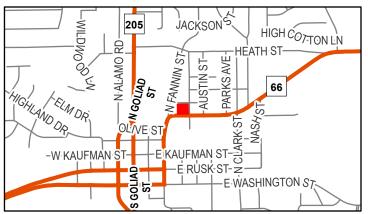
Case Type: Historic

**Zoning:** Single-Family 7 (SF-7) District

Case Address: 501 Kernodle Street

Date Saved: 4/4/2022

For Questions on this Case Call (972) 771-7745



PRYOR MICA 1036 SIGNAL RIDGE PLACE ROCKWALL, TX 75032 PLACE LISANNE 1531 ZAPATA DR EL DORADO HILLS, CA 95762 LAURENCE CROSSING LLC 2500 DISCOVERY BLVD SUITE 300 ROCKWALL, TX 75032

ORTAMOND DONALD J & JANA R 301 MARGARET ST ROCKWALL, TX 75087 LOFTUS GERALDINE J 302 E MARGARET ST ROCKWALL, TX 75087 ADAMS-ROMANO KEVIN PATRICK & JULLIAN ROSE 303 WILLIAMS ST ROCKWALL, TX 75087

POINTER PRICE 304 WILLIAMS ST ROCKWALL, TX 75087 MORALES JOSE L JR AND PHUONG A VUONG 306 WILLIAMS ST ROCKWALL, TX 75087

LAURENCE CROSSING LLC 306 WILLIAMS ST ROCKWALL, TX 75087

MAY PATRICIA A 308 WILLIAMS ST ROCKWALL, TX 75087 LAURENCE CROSSING LLC 308 FANNIN ROCKWALL, TX 75087 WINES DEBORAH C 310 WILLIAMS ST ROCKWALL, TX 75087

PEREIRA ASHLE RENEE 402 WILLIAMS ST ROCKWALL, TX 75087

PLACE LISANNE 406 WILLIAMS ST ROCKWALL, TX 75087 SUMBLIN BEN III ESTATE OF TONI YEAGER, GUARDIAN 501 AUSTIN ST ROCKWALL, TX 75087

JENNIFER'S HOMES INC 501 KERNODLE ROCKWALL, TX 75087 BARRON JOSE FELIX & MARIA MERCEDES 502 KERNODLE ST ROCKWALL, TX 75087 SUMBLIN BEN III ESTATE OF TONI YEAGER, GUARDIAN 504 PRESIDIO DR ROCKWALL, TX 75087

SMITH ALAN E & JUDY ROPER SMITH 506 KERNODLE ST ROCKWALL, TX 75087 JENNIFER'S HOMES INC 519 E INTERSTATE 30 #442 ROCKWALL, TX 75087 HALL DOUGLAS A & MARCI 601 N FANNIN ST ROCKWALL, TX 75087

BROWN JONATHAN R & CHRISTY A 601 KERNODLE ST ROCKWALL, TX 75087 GASKIN STEVE AND MICHAEL FLANARY 602 KERNODLE STREET ROCKWALL, TX 75087

LOFLAND JANA J 603 AUSTIN ST ROCKWALL, TX 75087

FUNK TED FREDRICK AND REBECCA LYNN 604 KERNODLE ROCKWALL, TX 75087 POINTER PRICE 605 NAKOMA DR ROCKWALL, TX 75087 PRYOR MICA 606 KERNODLE ST ROCKWALL, TX 75087

MULLINS CHRISTOPHER CHARLES AND ARYN
ELISE
607 KERNODLE ST
ROCKWALL, TX 75087

BROWN JONATHAN R & CHRISTY A 7814 KILLARNEY LANE ROWLETT, TX 75089 BARRON JOSE FELIX & MARIA MERCEDES
9 PRINGLE LN
ROCKWALL, TX 75087

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the Historic Preservation Advisory Board will consider the following application:

#### Case No. H2022-004: COA for a 501 Kernodle Street

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness (COA)</u> for a High Contributing Property being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Historic Preservation Advisory Board will hold a public hearing on <u>Thursday, May 19, 2022 at 6:00</u> <u>PM</u>. This hearing will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

#### Ryan Miller

Rockwall Planning and Zoning Dept. 385 S. Goliad Street Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by <u>Thursday, May 19, 2022 at 4:00 PM</u> to ensure they are included in the information provided to the Historic Preservation Advisory Board.

Sincerely,

Ryan Miller, AICP

Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND AT: https://sites.google.com/site/rockwallplanning/development/development-cases

USE THIS QR CODE

TO THE WEBSITE

PLEASE RETURN THE BELOW FORM — · — · — · — · — · — · — · — · — · —
Case No. H2022-004: COA for 501 Kernodle Street
Please place a check mark on the appropriate line below:
☐ I am in favor of the request for the reasons listed below.
☐ I am opposed to the request for the reasons listed below.
Name:
Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Property Owner and/or Resident of the City of Rockwall:

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Ryan Miller, AICP

Director of Planning & Zoning

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PLEASE RETURN THE BELOW FORM

Case No. H2022-004: COA for 501 Kernodle Street

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

I AGRETE WITH DITY STAFF THAT THE DRIVENAY
MI DIESS NOT MENEMUM STANDARDS ESTABLESHED BY CITY
OF ROCKUBLU AND TXDOT. IT WOULD CREATE AN WISAFE
CONDITION TO THE ROADWAY, PREVIEWAY IS NOT NEEDED TO FIX

Mame: DONALD ORTAMOND

DRASNAGE.

USE THIS QR CODE

TO THE WEBSITE

Address: 301 MARGARET

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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Director of Planning & Zoning

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TO GO DIRECTLY

TO THE WEBSITE

PLEASE RETURN THE BELOW FORM

Case No. H2022-004: COA for 501 Kernodle Street

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

The 66 turn at Williams and Fannin is very dangerous.

Adding a driveway with cars trying to enter at that

turn will result in more collisions and injuries,

I do not approve sub dividing this property

Name: Doug Hall

Address: 601 N. Fannin 54. Rockwall

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

#### Lee, Henry

From: Taylor Pointer <taylorpointer@gmail.com>

**Sent:** Tuesday, May 17, 2022 2:13 PM

To: Planning

**Subject:** Case no H2022-004 COA for 501 kernodle st

We oppose the request because we want to maintain the historical integrity of the neighborhood. We also don't want to see this property (or any property along this stretch of Williams St) to go commercial.

Thank you,

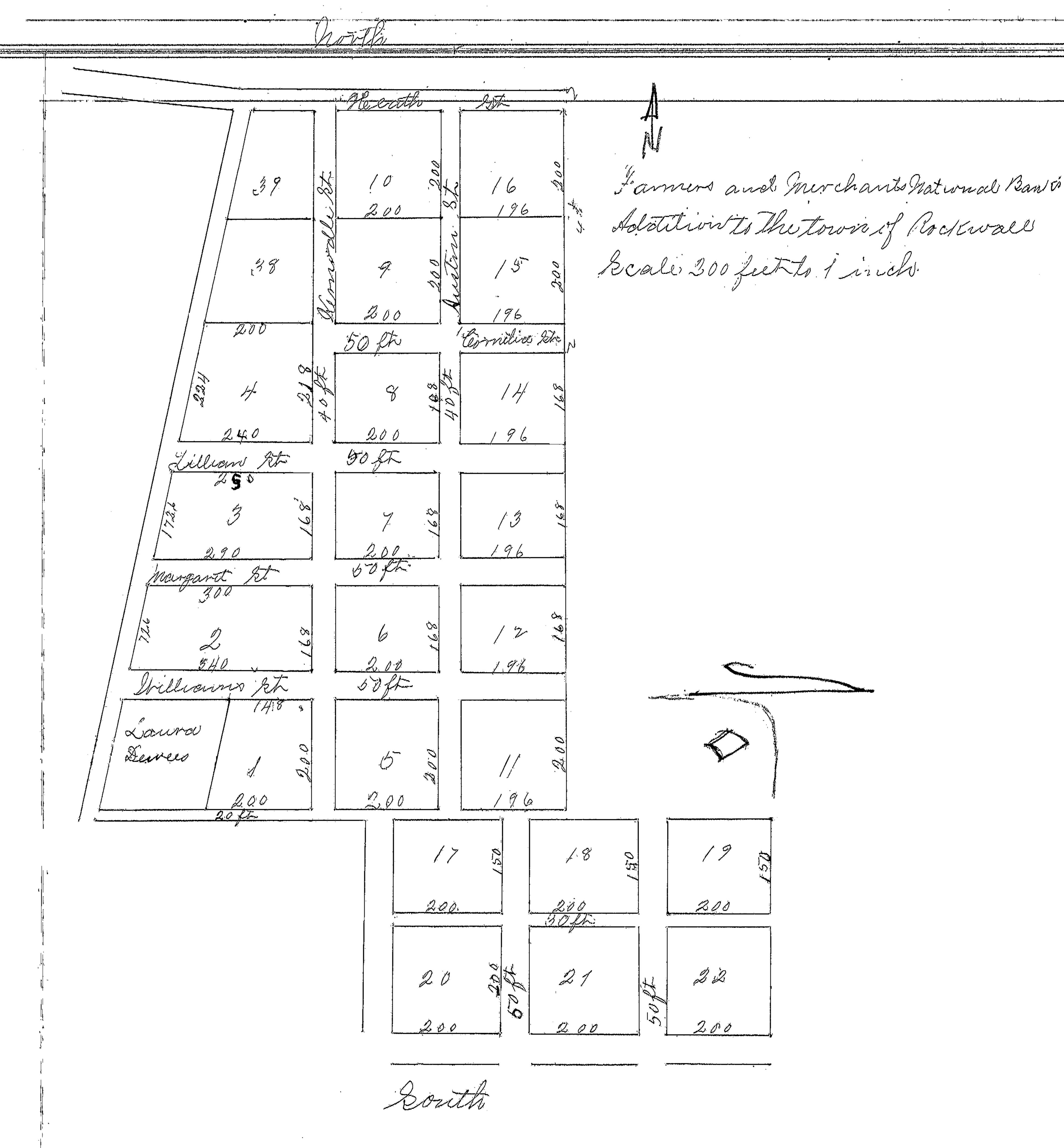
**Taylor and Price Pointer** 

304 Williams St.

Sent from my iPhone

This email was scanned by Bitdefender

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



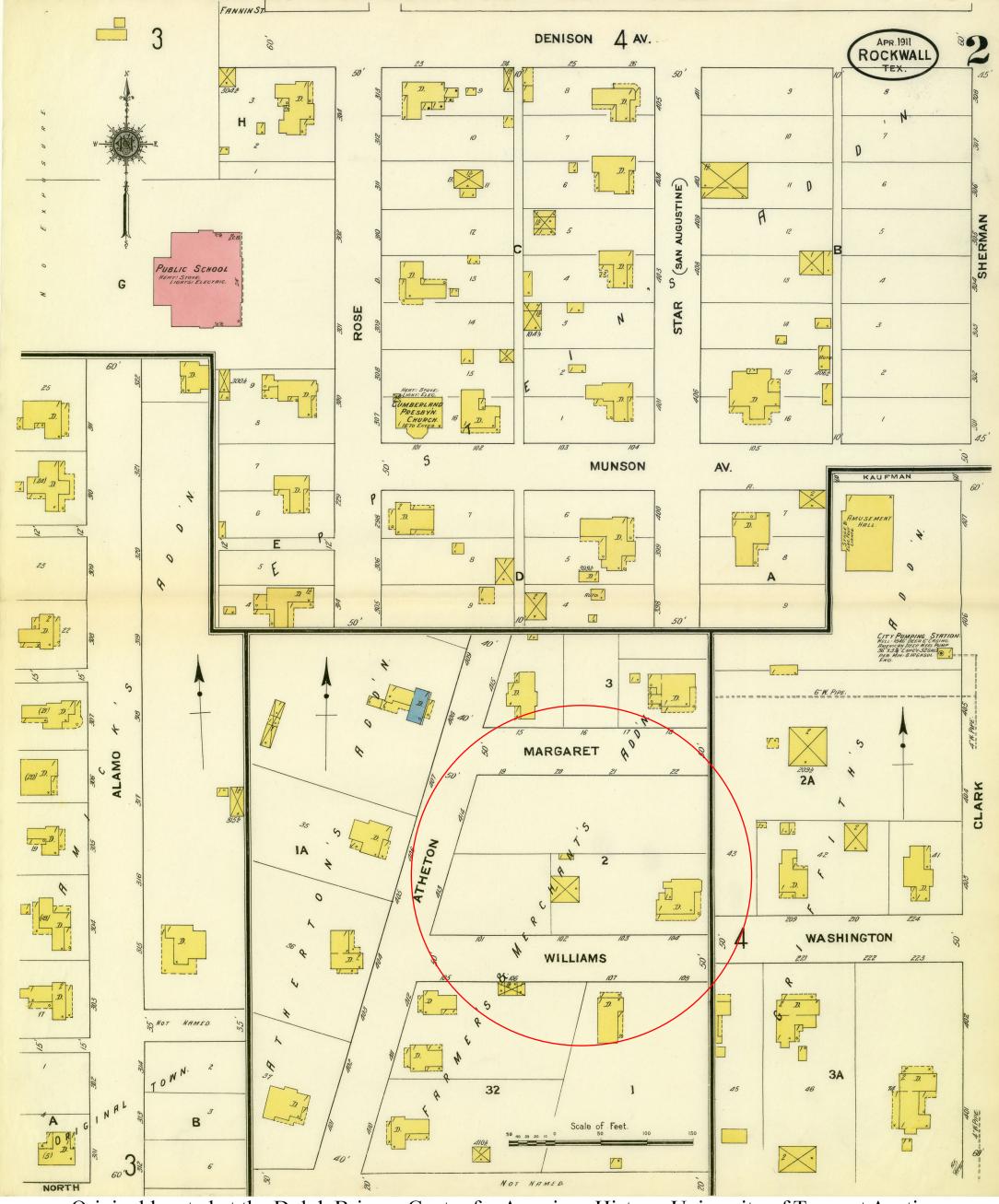
Rockwall County & Rivor all men by there from ents!

That In & Surtin President of The Parmerix merchants is timal Bank of Rockwall do adopt this felat as the maps of the Parmeri and Inerchants-hational Baints addition is said to Toron of Rockwall & do dedicate to the use of the public the Etreets Allies as shown by said felot

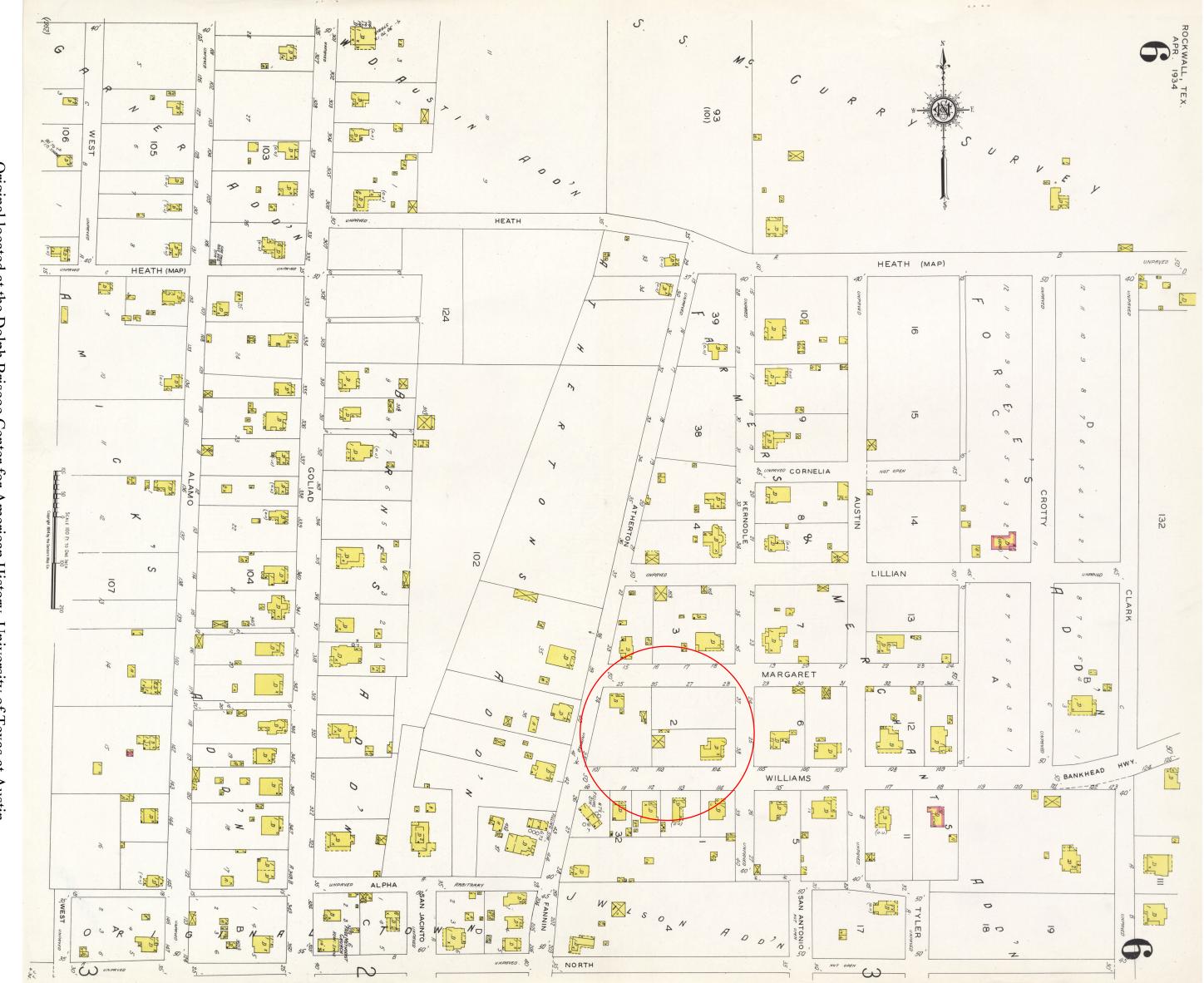
Given under my hand at Rockwall Texas thio Sept 14th /896 M & Austin Greeident It on nat Bank

of Rochnall Deyon

The State of Dayas 3 County of Rockwall & Refore were mark in Evilety County Clerke in and for soul County on this day prevenuly appeared mes. Justin President of I'm not Bank Known to me to be the



Original located at the Dolph Briscoe Center for American History, University of Texas at Austin



Original located at the Dolph Briscoe Center for American History, University of Texas at Austin

Subdivision or Addition F. & M. BANK

MCGINTIE PRESS-DALLAS



PAGE NO	
BLOCK NO	2

F & M NAT. BANK ADD.

#### SUB-DIVISION OR ADDITION

Steel	k-Austin—853	-500-78687						
		Characteristics			VALUATION		ASSESSED	
YEAR	TRACT	OWNER	DESCRIPTION	LAND	IMPROVEMENTS	TOTAL	VALUATION	
					IMIROVEMENTS	TOTAL		
1969		Leon Warner	NW 1/4 of Blk 2					
1982	,	Sheiman, mike	85' × 170					
1101		freetings, in	85 X 170					
			·					
							3	
1968		flam R Panka	E 1/2 of Blk 2					
1,00		Buttgen, James D.	2 1/2 01 211 2					
1977		Pullaen James D.						
1959		-Hal Phelps	SW 1/4 of Blk. 2					
1001		nie De						
1976 1978		Herman Themas	1					
1978		Kemmerlen H. Wayse	* 1					
4 , 4 0		Hal Phelps Aichola Thelma Kemmerlin H. Wayne						
			,					
		*						
							1	
							1	
	1							
	8							

#### Dear Board Members.

Today, I come before you to request a Certificate of Appropriateness (COA) to install a driveway from the rear of my garage to Williams Street. I am fully aware that this is just one of three steps to the process. The first step (COA) only allows the Planning and Zoning Commission to consider this request. If, and only if, I can pass the P&Z process, I understand I would still need Tx DOT approval. Much of this is going to be difficult, but it is needed in order to protect the structure.

As you can see in the attachments, TX DOT has installed an inlet on the SE corner of what was originally Block 2 of the Farmers and Merchants addition. When viewing the contour diagrams provided by the City, you will see the current lot drainage forces all water from more than 1.3 acres of land under the historic property located at 501 Kernodle.

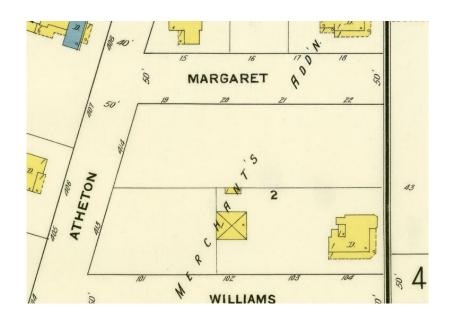
You have a duty to protect and preserve this property. You have a duty to act in a professional manner. If you cannot put aside your personal relationships with opposition to this plan, you should recuse yourself or resign.

Scientifically, this plan is required.

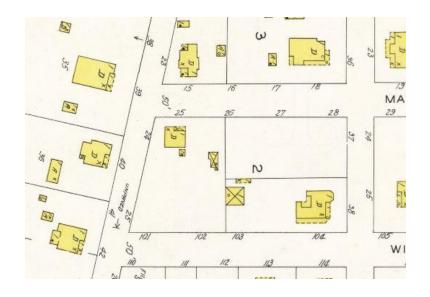
- I plan to attempt to relocate the "greenhouse" and cut a 2' deep and 3' wide drainage swell N and S along the property. This will stop what is known as "lot to lot" drainage.
- The sidewalk along Williams will cross the driveway, as is customary in residential neighborhoods.
- There will be a drainage relief inlet and pipe under the driveway. Possibly a culvert. This will allow the water to run West to East along Williams to the inlet. Ultimately TX DOT would have the final say on that.
- We will cut another drainage relief trench West to East that will be 3' deep on the west side and only 6" deep on the East. It will be a 3 foot wide relief.

This plan specifically addresses preserving a highly contributing property, and as such, dictates the board approves and supports this plan.

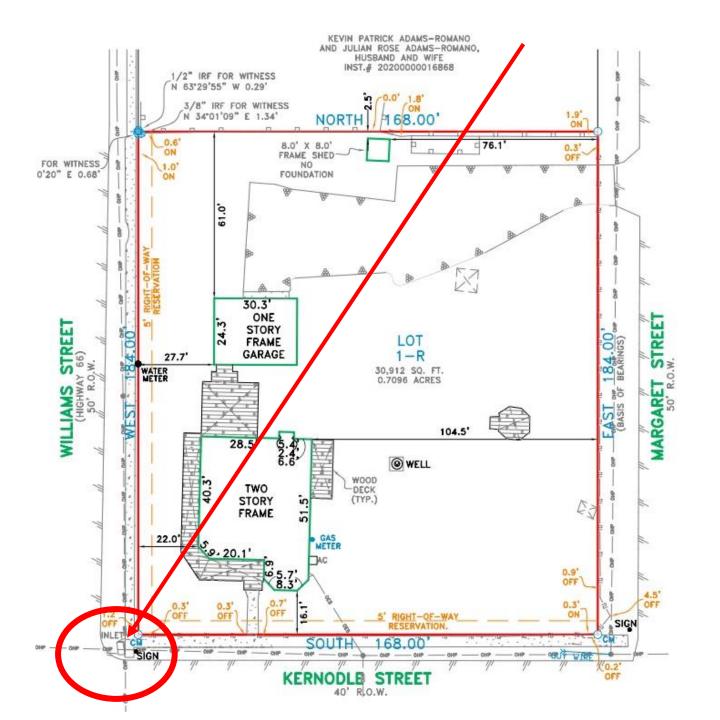
Thanl	k you.
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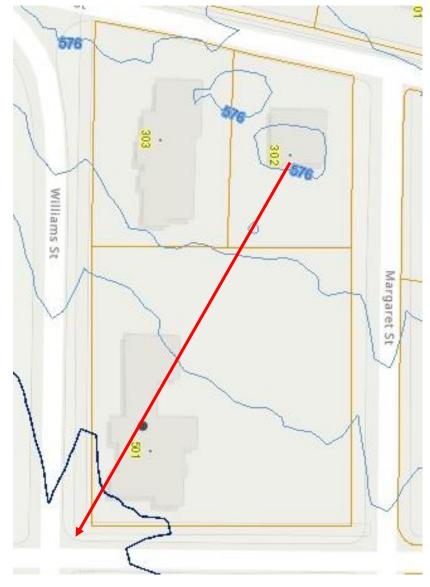


1911: Driveway could not have been in current gravel area according to map and structures present. Given orientation of porch, carriages/vehicles most likely would have entered the home from Williams. Specifically given the clear "dividing line" present on both maps and location of barn/stable.



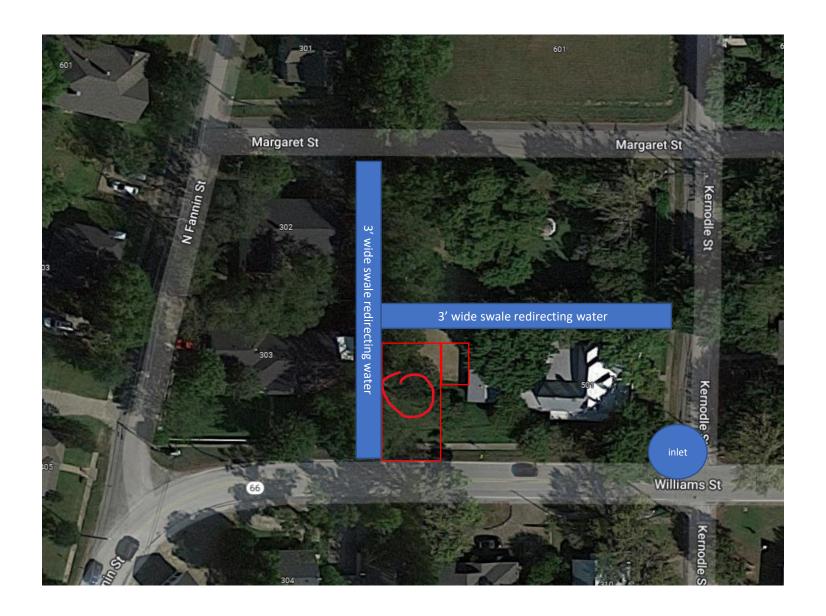
1934: 302 Margaret is represented. Driveway could not have been in current gravel area according to map and structures present. Given orientation of porch, carriages most likely would have entered the home from Williams. Specifically given the clear "dividing line" present on both maps and location of barn/stables.

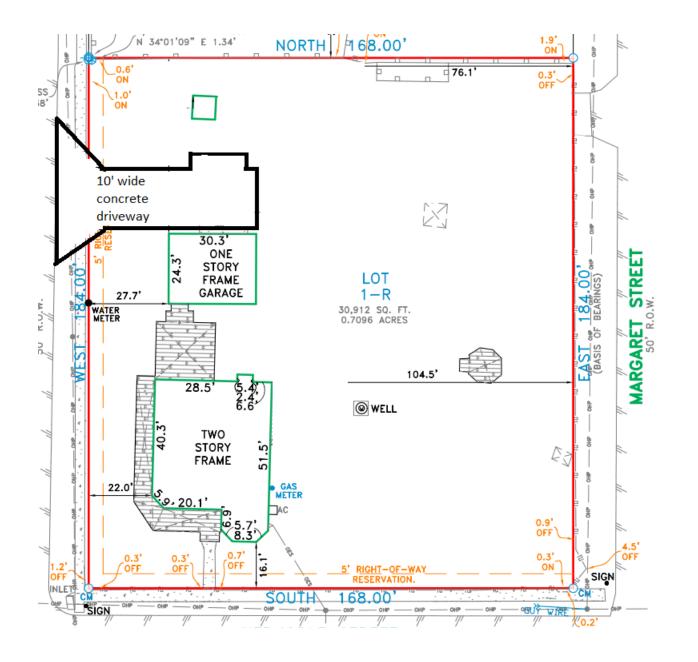




Current topography shows the location of the inlet and lack of drainage areas is pushing an acre of water under the home.

Proposal
would only
require
removal of
one tree for
driveway. A
Crape Myrtle
which we will
attempt to
transplant





Site plan subject to engineering and approval.

Greenhouse relocated if it doesn't fall apart.



#### CITY OF ROCKWALL

#### HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

#### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Historic Preservation Advisory Board

DATE: April 21, 2022
APPLICANT: Tim Herriage

CASE NUMBER: H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

#### **SUMMARY**

Hold a public hearing to discuss and consider a request by Tim Herriage for the approval of a <u>Certificate of Appropriateness</u> (<u>COA</u>) for a <u>High Contributing Property</u> being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 501 Kernodle Street, and take any action necessary.

#### **BACKGROUND**

The structure at 501 Kernodle Street was constructed in 1885 by M. H. McCoy. Mr. McCoy was a local businessman who also owned Rockwall's first hardware store and later became a prominent banker. The home was purchased by Jim and Pat Buttgen in 1977. During their tenure in the house the Buttgen's completed several remodels of the home including: [1] finishing the attic into a large bedroom and bathroom, [2] added a den to the lower level, [3] restoration of the pine floors throughout the home, and [4] added kitchen cabinets. During the remodel of the home, the Buttgens discovered the remains of a unique underground watering system invented by Mr. McCoy. According to the 2017 Historic Resource Survey, the house was constructed in a Modified L-Plan with Folk Victorian style influences and is classified as a High Contributing Property. According to the Rockwall Central Appraisal District (RCAD), situated on the subject property is the 2,152 SF single-family home that was constructed in



FIGURE 1: AUGUST 10, 2012

1885, two (2) covered porches -- being 176 SF and 476 SF -- constructed in 1885, a 100 SF gazebo constructed in 1980, and a 480 SF detached garage constructed in 1986.

#### **PURPOSE**

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the purpose of: [1] demolishing the 176 SF porch situated on the north side of the primary structure, and [2] constructing a new driveway off of Williams Street that does not meet the minimum standards stipulated by the Texas Department of Transportation (TXDOT) or the City.

#### ADJACENT LAND USES AND ACCESS

The subject property is located at 501 Kernodle Street. The land uses adjacent to the subject property are as follows:

North:

Directly north of the subject property is Margaret Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 0.43-acre parcel of land (i.e. 601 Kenodle Street) zoned Single-Family 7 (SF-7) District, and identified as a Non-Contributing Property. Beyond this are the boundaries of the Old Town Rockwall

(OTR) Historic District followed by several parcels of land developed with single-family homes that are zoned Single-Family 7 (SF-7) District.

<u>South</u>: Directly south of the subject is Williams Street, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 306, 308, and 310 Williams Street*) developed with single-family homes that are zoned Single-Family 7 (SF-7) District. 306 & 310 Williams Street are classified as *Low Contributing Properties* and 308 Williams Street is classified as *Low Contributing Property*. Beyond this is *Lofland Park*, which is a 1.377-acre public park.

East: Directly east of the subject property Kernodle Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (i.e. 502 and 506 Kernodle Street and 501 Austin Street) developed with single-family homes. All of these properties are zoned Single-Family 7 (SF-7) District, are located within the Old Town Rockwall Historic District, and are designated as Non-Contributing Properties. Beyond this is Austin Street, which is identified as a R2U (residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 501 Williams Street, which is zoned Single-Family 7 (SF-7) District and is classified as a Non-Contributing Property.

<u>West</u>: Directly west of the subject property are two (2) parcels of land (*i.e. 302 and 303 N. Fannin Street*) developed with single-family homes zoned Single-Family 7 (SF-7) District. 303 N. Fannin Street is classified as a *Medium Contributing Property* and 302 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is N. Fannin Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are three (3) parcels of land (*i.e. 405, 503 & 601 N. Fannin Street*) developed with single-family homes and zoned Single-Family 7 (SF-7) District. 405 & 503 N. Fannin Street are classified as *Non-Contributing Properties* and 601 N. Fannin Street is classified as a *High Contributing Property*. Beyond this is the boundary of the Old Town Rockwall (OTR) Historic District.

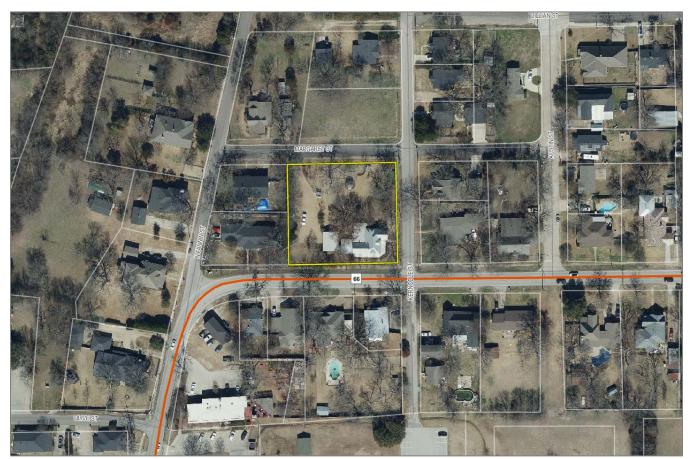


FIGURE 2: LOCATION MAP

#### CHARACTERISTICS OF THE PROJECT

The applicant -- Tim Herriage -- recently purchased the subject property and is in the process of remodeling the single-family home on the subject property. As part of the remodel the applicant is proposing to [1] demolish an existing 176 SF covered porch and [2] construct a driveway approach off of Williams Street. The 176 SF covered porch is situated on the northside of the existing single-family home. According to the Rockwall Central Appraisal District (RCAD) the covered porch was constructed in 1885; however, based on the 1911 & 1934 Sanborn Maps the covered porch was not constructed as of April 1934. Staff has verified that the covered porch has been situated on the subject property since prior to 1977 based on historic records of the property. The applicant is proposing to remove this porch and create a standard 18-inch roof overhang (see Figure 5 for an image of the covered porch). According to the applicant's letter the reason that the demolition is being requested is to facilitate drainage improvements on the property, and to allow the future subdivision of the subject property into "...as many as four total [lots], or as little as two [lots]."

The applicant is also proposing to construct a new driveway along Williams Street. The site plan provided by the applicant shows that the driveway will be approximately 140-feet from the intersection of Williams Street and Kernodle Street. The applicant's letter states that the driveway will be

102 103 10A

FIGURE 3: 1911 SANBORN MAPS

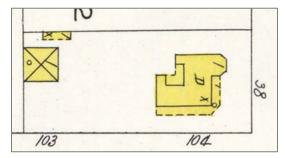


FIGURE 4: 1934 SANBORN MAPS

constructed with concrete. This driveway would be necessary if the applicant is proposing to subdivide the lot in the future. Currently, the property is served from Margert Street.



FIGURE 5: COVERED PORCH TO BE REMOVED



FIGURE 6: PROPOSED DRIVEWAY LOCATION

#### CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Subsection 06.03(F), Certificate of Appropriateness (COA) for Alteration or New Construction, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [Historic Overlay (HOV) District] shall apply only to those properties ... which meet the following criteria: [1] either be a designed historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by Subsection B or be located within 200-feet of a contributing property." In this case, the subject property meets all of the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, is designated as a High Contributing Property, and is directly adjacent to two (2) contributing properties (i.e. 302 Margaret Street which is a High Contributing Property and 303 N. Fannin Street which is a Medium Contributing Property). This section of the ordinance goes on to list specific examples of projects where a Certificate of Appropriateness (COA) is required; "...examples of situations that require a Certificate of Appropriateness (COA) for work performed on an applicable property [include:] ...(b) Demolition or removal of an existing structure... [and] (c) alterations to the facade, including additions and removals that will be visible from a public street...". The two (2) projects proposed by the

applicant (i.e. the addition of a new concrete driveway and demolition of an existing covered porch) are projects that require a Certificate of Appropriateness (COA).

Looking at the proposed demolition of the 176 SF covered porch, Section 10, *Demolition Criteria*, of Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC) states:

"Demolition of a structure which contributes historically or architecturally to the Historic District should be prohibited, except as provided below. Demolition of a structure would be allowed if:

- (a) The building has lost its architectural and historical integrity and importance, and its removal will not result in a negative, less appropriate visual effect on the Historic District; or
- (b) A structure does not contribute to the historical or architectural character and importance of the Historic District (e.g. a Non-Contributing Structure), and its removal will result in a positive, appropriate visual effect on the Historic District; or
- (c) There is an imminent threat to the health, safety and welfare to the surrounding residents and/or property because of an unsafe condition that constitutes an emergency (see Section 11, Demolition by Neglect)."

In this case, staff has established that the covered porch is not original to the single-family home that was constructed in 1885. Based on the dates estimated by staff (*i.e. that the covered porch was constructed after 1934 but prior to 1977*), the covered porch does not appear to be architecturally and historically significant to the existing single-family home, and the removal of the structure would bring the property closer into conformance with original structure constructed by M. H. McCoy.

With regard to the proposed driveway, the applicant has submitted a site plan showing that the drive approach will be constructed on the side yard of the subject property off of Williams Street (*i.e. SH-66*). According to Section 07, *Building Standards*, of Appendix D, *Historic Preservation Guidelines*, of the Unified Development Code (UDC), "(u)nless previously used for a driveway, the side yard is to be used for landscaping with the purpose of enhancing the structure with plant materials." In addition, this section goes on to state that "the driveway should not exceed a width of ten (10) feet …" [and] "… (o)n a corner lot, the driveway may extend from the side street to the garage if the garage is facing the side street." In this case, the garage on the subject property was constructed in 1980, faces towards the rear property line, and takes access from Margaret Street.

Staff is also obligated to point out that the applicant's request of setting the driveway 140-feet from the intersection of Kernodle Street and Margaret Street does not meet the minimum standards established by the City of Rockwall and the Texas Department of Transportation (TXDOT). Specifically, the City's Engineering Standards of Design and Construction Manual stipulates a minimum driveway spacing of 200-feet from the intersection of a Collector (i.e. SH-66 or Williams Street) and Local (i.e. Kernodle Street), and the Texas Department of Transportation's (TXDOT's) Access Management Manual requires a minimum spacing for driveways of 200-feet for State Highways with a posted speed of 30 MPH. The applicant has stated in his letter that there are currently seven (7) driveways within 200-feet of the subject property that take access onto SH-66. It should be noted that there are actually only six (6) residential driveways within 200-feet of the subject property, and that all but one (1) driveway is located on the southside of SH-66. The subject property is currently on the northside of SH-66. Staff should also point out that these homes were constructed in 1905, 1918, 1939, 1975, 1985, and 1991, well before the current traffic volumes carried by this roadway were established, and that many of the properties on the southside of SH-66 only have the ability to access SH-66. The subject property has the ability to access both Kernodle Street and Margaret Street, which are smaller roadways intended to carry residential traffic. It is also worth mentioning that no new driveways have been permitted onto SH-66 in this area since 1991. Staff did request that the Police Department provide a list of vehicular accidents in the area between N. Fannin Street and Kernodle Street from 2020 to present, and was provided with a report of five (5) separate vehicular accident reports in this block (i.e. one [1] from 2020, two [2] from 2021, and two [2] from 2022). Since the applicant will need to request a variance from both the City of Rockwall's Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) before being able to proceed with construction, the Historic Preservation Advisory Board (HPAB) would be providing a recommendation through the action taken in this Certificate of Appropriateness (COA) case.

Subsection 06.03(G)(5), Standards for Approval, of Article 05, District Development Standards, of the Unified Development Code (UDC), states "(t)he Historic Preservation Advisory Board must approve the application for a Certificate of Appropriateness (COA) if it determines that ... the application will not adversely affect the character of the site and the proposed work is consistent with the regulations contained in this section [Section 06.03, Historic Overlay (HOV) District, UDC] and proposed preservation criteria [Appendix D, Historic Preservation Guidelines, UDC]." As stated above, the proposed demolition of the covered porch does not appear to change the essential character of the subject property; however, the proposed driveway approach off of SH-

66 appears to not only have the potential to create an unsafe condition by adding an additional driveway on SH-66, but also provides the applicant with the ability to subdivide the property into additional lots that could affect the character of the subject property. In addition, the driveway request is not consistent with the regulations contained in the Unified Development Code (UDC). With this being said, the approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB).

#### **CONDITIONS OF APPROVAL**

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a Certificate of Occupancy (COA), staff would propose the following conditions of approval:

- (1) The applicant will be required to seek approval of a variance from the Planning and Zoning Commission and the Texas Department of Transportation (TXDOT) for driveway spacing.
- (2) Any construction resulting from the approval of this request shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



FOR THIS CASE TO BE APPROVED.

**OWNER'S SIGNATURE** 

# HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087

- STAFF USE ONLY	
CASE NUMBER:	
NOTE: THE APPLICATION IS NOT	
CITY UNTIL THE PLANNING DIREC	TOR HAS SIGNED BELOW.
DIRECTOR OF PLANNING:	
DATE RECEIVED:	
DECEIVED BY	

APPLICATION:  CERTIFICATE OF APPROPRIATENESS (COA)  LOCAL LANDMARK EVALUATION & DESIGNATION BUILDING PERMIT WAIVER & REDUCTION PROGRAM SMALL MATCHING GRANT APPLICATION  SPECIAL DISTRICTS [SELECT APPLICABLE]: PLANNED DEVELOPMENT DISTRICT 50 (PD-50) SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT DOWNTOWN (DT) DISTRICT	CONTRIBUTING STATUS [SELECT APPLICABLE]:  LANDMARKED PROPERTY  HIGH CONTRIBUTING PROPERTY  MEDIUM CONTRIBUTING PROPERTY  LOW CONTRIBUTING PROPERTY  NON-CONTRIBUTING PROPERTY  CURRENT LAND USE OF THE SUBJECT PROPERTY:  COMMERCIAL
PROPERTY INFORMATION [PLEASE PRINT]	
ADDRESS 501 Kernodle St, Roc	Kuall TX 79087
SUBDIVISION Buty (n	LOT 1-R BLOCK
OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHE	CK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]
IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT? (SEE IN NO	APPLICANT(S) IS/ARE: OWNER TENANT NON-PROFIT RESIDENT
CHECK THIS BOX IF OWNER AND APPLICANT ARE THE SAME.	OTHER, SPECIFY:
OWNER(S) NAME Tim Herriage	APPLICANT(S) NAME
ADDRESS 501 Kernadle 5+	ADDRESS
Rock-11, TX 75087	
PHONE 214 607/1227	PHONE
E-MAIL tim Q tim herrigge.com	E-MAIL
SCOPE OF WORK/REASON FOR EVALUATION REQUEST	IPLEASE PRINTI
	EW CONSTRUCTION  ADDITION
	HER, SPECIFY:
ESTIMATED COST OF CONSTRUCTION/DEMOLITION OF THE PROJECT (IF APPLICAB	LE): \$ 5,000
FOR LOCAL LANDMARK EVALUATION & DESIGNATION REQUESTS INDICATE ANY A SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PAST USE(S), ETC. SPROPERTY ARE SUBMITTED WITH THIS APPLICATION.	EET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE.  ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY,  STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE
We propose to demolish the s	the porch and overhead on the
North Sidest the home.	ve will replace with an 18"-
24 inch overhand we will a	se the same siding as in oreyent.
This is part of the structu	not that was added in 1985
This is nece asay in older	the porch and overhead on the venill replace with an 18"—  so the Same Siding as in present.  or that was added in 1985.  to fix draining.
OWNER & APPLICANT STATEMENT [ORIGINAL SIGNATURES REQUI	
I ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THAT ALL I	NFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF RY FOR ME OR A REPRESENTATIVE TO BE PRESENT AT A PUBLIC HEARING

APPLICANT'S SIGNATURE





# City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): www.rockwall.com The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.













## Dear Board Members,

I am the owner of 501 Kernodle St, Rockwall, TX 75087. This property was developed more than 150 years ago and currently sits on just shy of an acre of land. While this was common in 1883, it is no longer common today nor is it sustainable. This is in large part due to poor drainage on the property that has been caused by the elevation of Margaret and Kernodle Streets. Significant lot drainage modifications need to be undertaken to mitigate further damage and degradation of the historic home at this site. The most impactful is the relocation of the long gravel driveway. Replacing this driveway with a concrete alternative on Williams. This will allow a swale to be cut from West to East. This swale is needed in order to divert the storm water that drains from the City streets onto the property, and under the historic home. These streets are higher than the property's foundation.

It is our intention to restore and protect this historical property and put it on a course to be maintained for another century. To date, we have literally dug the home out of the ground. We have installed a \$10,000 French drain and sump pump system to protect the home from the watershed that is occurring.

Our plan is to subdivide this property into multiple properties. This could be as many as four total, or as little as two. We believe this will put the property on a path to preservation and create a maintenance and upkeep situation that is sustainable for another century.

We cannot continue with our subdivision and drainage planning without first requesting the variance we seek today. We are requesting a waiver and variance of the City of Rockwall and the Texas Department of Transportation minimum entrance spacing. The approximate spacing I am requesting is 140' on each side vs the 200' minimum. This request is consistent with the neighborhood, area, and the immediate vicinity. In fact, there are 7 driveways within 200 feet of the proposed site.

In my attached site plan, I have modified the original plan to accommodate the City of Rockwall's safety concerns. This new plan only allows entrance and exit into or from the westbound lane. This plan also allows for adequate turning radius and back up aprons, which will prevent the need and ability to reverse onto Williams.

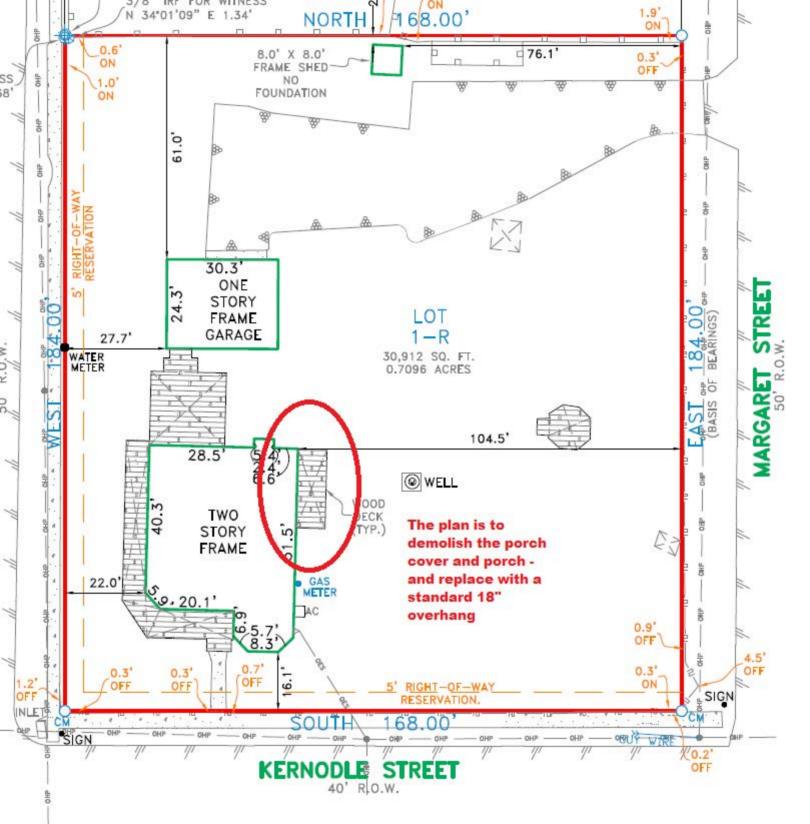
Upon approval of this variance and the associated permit, we will finalize and submit a subdivision plan and our drainage improvement plans. These plans will address the drainage issues associated with the current lot plan – which will further protect the unique historical home we own.

As multigenerational residents, citizens, and property owners of the City of Rockwall and Rockwall County, it is our goal to increase property values, maintain the unique and historical nature of this property, and create more housing options within this highly desirable area.

Sincerely,

Tim Herriage and Jennifer Raney Herriage

Jennifer's Homes, Inc

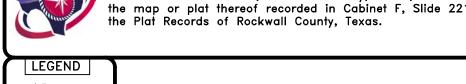


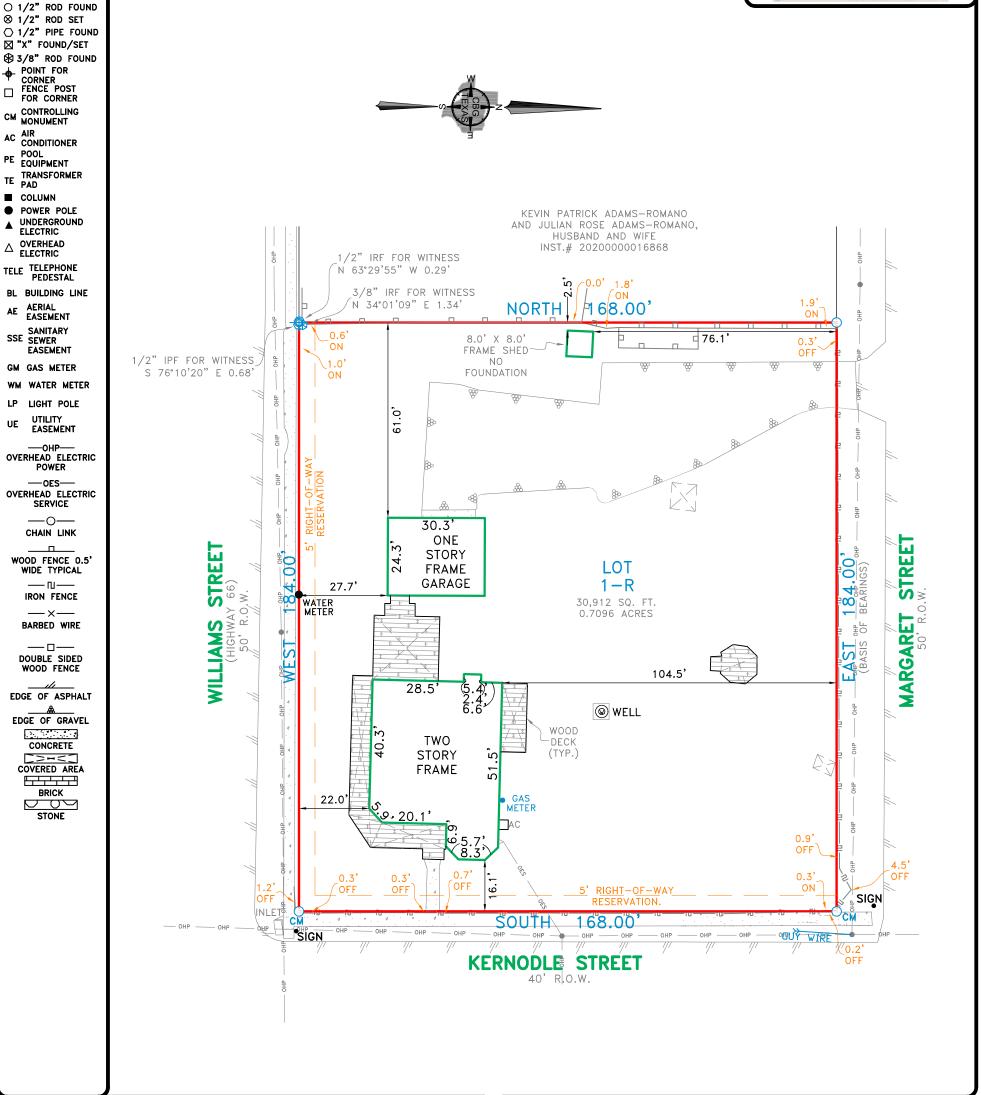
# 501 Kernodle Street

Lot 1-R, Block 2, of BUTTGEN ADDITION, an Addition to the City of Rockwall of Rockwall, Rockwall County, Texas, according to the map or plat thereof recorded in Cabinet F, Slide 221, of









## **EXCEPTIONS:**

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS
CONTAINED IN INSTRUMENTS RECORDED IN CAB. F, SLD. 221

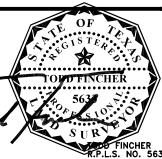
EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 1349, PG. 286

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48397C0040L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Independence Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: BVM/SRG 1" = 30 Date: 07-23-2021 419 Century Plaza Pr., Houston, TX 7707 GF No.: P 281.443.9288 2142620-RWDA



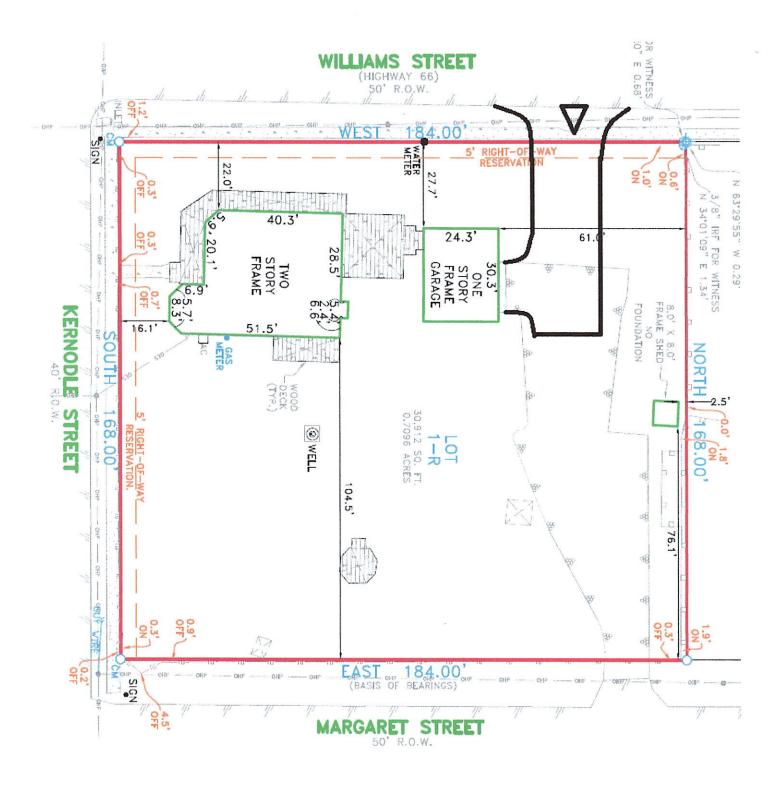
Date:

Accepted by: Purchaser Purchaser

**Job No.** 2115553

F 281.443.9224 Firm No. 10194280 www.cbgtxllc.com















June 27, 2022

TO:

Tim Herriage

501 Kernodle Street Rockwall, Texas 75087

FROM:

Ryan Miller, AICP

City of Rockwall Planning and Zoning Department

385 S. Goliad Street Rockwall, TX 75087

SUBJECT:

H2022-004; Certificate of Appropriateness (COA) for 501 Kernodle Street

Mr. Herriage:

This letter serves to notify you that the above referenced case, that you submitted for consideration by the City of Rockwall, was denied by the Historic Preservation Advisory Board (HPAB) on May 19, 2022 and your appeal to the City Council was denied on June 6, 2022. The following is a record of all voting records:

## Historic Preservation Advisory Board

On April 21, 2022, the Historic Preservation Advisory Board (HPAB) approved a motion to grant the Certificate of Appropriateness (COA) for the demolition of the covered porch, but deny the Certificate of Appropriateness (COA) and recommend denial of the variance request to the Planning and Zoning Commission for the driveway approach off of Williams Street. This motion was approved by a vote of 4-0, with Board Members Miller, Bowlin and Adams absent.

Reconsideration of a Motion: On May 19, 2022, the Historic Preservation Advisory Board (HPAB) approved a motion to deny a Certificate of Appropriateness (COA) for the driveway approach off of Williams Street by a vote of 4-0 with Board Members Odom, Adams, and McClintock absent.

## City Council

On June 6, 2022, the City Council approved a motion finding that the Historic Preservation Advisory Board (HPAB) did not err in their decision of Case No. H2022-004. This motion passed by a vote of 6-0 with Council Member Macalik absent.

According to Subsection 01.05, Reapplication, of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC), "(a) request for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver which has been previously denied with prejudice by the Historic Preservation Advisory Board (HPAB), Planning and Zoning Commission, or City Council may be resubmitted within one (1) year if there is: [1] an actual change in condition relating to the lot or tract of land -- or any portion thereof -- or any surrounding properties, or [2] the new request is more restrictive or less intense than the previous request." Please note that a failure to indicate a denial is with or without prejudice in making a motion to deny a request shall be considered a denial with prejudice. Should you have any questions or concerns regarding the denial of your site plan or the site planning process, please feel free to contact me a (972) 771-7745.

Sincerely,

Ryan Miller, AICP

Director of Planning and Zoning