

**LANDMARK COMMISSION
MINUTES
February 25, 2025**

MEMBERS PRESENT:

Christy Graham	■ Chairperson
John Dickinson	■ Member
Bill Enlow	■ Member
Dr. Dawn Ferrell, Maj. Gen. (retired)	■ Member
Noros Martin	■ Member
Janel Ponder Smith	■ Member
John Yates	■ Member
Karen Montgomery-Gagné, Principal Planner/HPO	■ City Staff
Monica Aguon, Assistant City Attorney	■ City Staff
Terry Floyd, Development Services Director	■ City Staff
Robin Marshall, Admin. Assistant	■ City Staff

ABSENT:

Joel Hartmangruber	■ Member
Jordan Dixon	■ Member

GUESTS:

Andrew Earll, 1311 Tilden	■ Applicant
Jake Martin, 1401 Tilden (Marant Construction)	■ Rep for Applicant

I. Call to Order, Introductions and Welcome:

Chairperson Christy Graham called the meeting to order at 12:01 p.m.
Ms. Graham did introductions of all Commission members, and guests attending.

II. Review & Approval of Minutes from January 28, 2025:

Chairperson Graham called for review and approval of the January 28, 2025 Landmark Commission meeting minutes. Ms. Janel Ponder Smith made a motion to approve the minutes as presented, Mr. John Yates seconded the motion. Minutes were unanimously approved 7-0.

III. Action Item: Design Review Case – 1311 Tilden:

Request authorization to replace one triple section aluminum window with Renewal by Andersen Acclaim Fibrex material; previously replaced 20 windows void of design review authorization but permits/inspections issued.

**District – West Floral Heights
Applicant – Andrew Earl**

Ms. Karen Montgomery-Gagné presented the case and shared some history of this property. She stated this property is located on the corner of Tilden and Avenue D and is a noncontributing structure, based on the age of the house. Staff shared slides of inventory photos to the Commission pointing out this is an infill house, being a more modern ranch style, and highlighted key features of the house. Some being the brick façade, and noted the front of the house is dominated by the arched recessed front entry and low-sloped hip roof. The windows were originally installed in the 1980's, showing photos with the metal guards attached from original construction. Ms. Montgomery-Gagné showed changes to the property that have accumulated over time. Inventory pictures from 2013 show the cedar shake roof and the metal guards on the windows that are very prominent. Due to statewide insurance issues with retaining cedar shake roofing material, prior owners in 2015-16 requested alternate roofing material (architectural composite shingle). The insurance company was going to drop coverage due to elevated fire risk from the cedar shingles, so an alternate material was authorized. Inventory photos from the Ave. D and rear alley, showed rear windows fully visible, particularly the triple section window the owners are now seeking approval to replace with a Fibrex Renewal by Anderson window. Ms. Montgomery-Gagné presented more photos pointing out that at some point a prior owner installed a rear yard fence; there is no concrete footer so no permit was required but it should have come before the Landmark Commission as the yard was not previously fenced. Staff have worked with the window contractor in an effort to expedite the case since it was received last week and well past the deadline.

Ms. Montgomery-Gagné stated that somehow permits had been issued in September 2024 and 20 replacement Fibrex windows installed and final inspected in November with no trigger to planning for design review. She said the current owners did obtain city approval for the permitting, but were void of any design review considerations. Staff pointed out in pictures some of the items in question for the design review; framing appears wider than the original 1980s aluminum windows, and there was a question regarding any tint or reflective coating on the windows, particularly due to the decorative metal guards partially obscuring the windows. Continuing to show the Commission photos of the house and newly installed windows, staff pointed out at some point there was also a small storage shed added in the rear yard with no record in Building Inspection or design review. Based on our photo inventory it tells us the fence and shed were installed between March 2022 and February 2025. The shed would trigger building permits so that will have to be addressed. Based on current photos with the fence now in place, the proposed remaining rear window for replacement has minimal visibility from the alley or side street.

Staff spoke about the product specification sheet from Renewal by Anderson Windows, and showed the Commission the schematic originally provided to Building Inspection in September. Staff sought input from the Texas Historical Commission on how they classify a Fibrex material window. Fibrex is a patented material from Renewal by Anderson, and it is essentially a composite polymer material. It is comprised of new and recycled wood fiber materials in addition to thermoplastic polymers. The state classifies a Fibrex window as vinyl, and they have placed it in the vinyl category. The product is basically 40% reclaimed wood fiber by weight then mixed with plastic components, and then heat pressure formed into this product. The 60% by weight is considered some type of polymer plastic, so that's what classifies it into a vinyl category. Fibrex is not a product endorsed for appropriate, substitute historic material.

The reason this case is before the Commission is because on January 16/25, we found out a rear window replacement online permit was submitted (for the triple-section rear window). It ended up getting flagged by Building Inspection. Staff then talked to the window company and they didn't understand why additional review was required because they had already replaced 20 windows in this house for the current owner with permits and inspections. Ms. Montgomery-Gagné stated there was no record of any correspondence or documentation related to the case as it should have been flagged and directed to the Historic Preservation Officer (HPO) and Landmarks. Staff informed the window company; design review was now triggered and it would require Landmark Commission review as windows are a major defining feature of a building. The HPO worked with the Interim Chief Building Official to try to figure out how we got to this point - 20 windows replaced with permits and no design review in this house; that's been dealt with and now there is a lot more review to ensure historic status is verified with permits.

Ms. Montgomery-Gagné explained the case packet addresses how the design guidelines and the Department of Interior standards apply to this case when it is a noncontributing building. She discussed key factors in regards to Fibrex composite. The Design Guidelines outline what is subject to Landmark Commission review. All major exterior alterations/improvements that are visible from the public right of way are reviewed by the Commission. Until the Commission issues a determination considered a certificate of appropriateness for that proposed structural alteration, no building/remodel/demo permits shall be issued by the city's building inspection department.

Addressing windows, it's important to ask 'what are the guiding principles for replacing a window?' We look at the federal standards that trickle down into how we adopt our municipal standards. The four criteria: "Do we preserve? Yes, we ought to preserve what's there. If that's not an option, is it deteriorated beyond maintaining that same window, we move to rehab. Can we rehab that window? Is there a component that can be repaired? And that goes hand in hand with restoration. The final of the four options is new

construction/replacement. That's when the Secretary of the Interior standards on appropriate substitute materials come into play. In this case, when you refer to the Design Guidelines for windows, reflective glass windows are not appropriate and vinyl is not considered an appropriate substitute material. That's not just the city making that determination, that's based on research from the state's historic preservation officer and also from the Department of the Interior.

The other key item to consider is being a non-contributing building - to what degree do the design standards apply to this structure? Staff explained with a non-contributing structure it's not necessarily the style that's non-contributing, it's often the age. This house was constructed in 1984 and the district was established in 2005; if the district were designated in 10, 20, 30 years from now, it would qualify as historic and contributing to that era's style of architecture – ranch homes. Considering those factors, it's important to assess if the alterations are compatible with the architectural style of the building, as well as the overall character of the district. Because for every structure that's non-contributing, if the design guidelines didn't apply, it would have a cumulative impact throughout the entire district.

Ms. Montgomery-Gagné presented a picture of a manufacturing sticker that was actually on one of the installed windows, and pointed out the sticker stated wood and vinyl composite – the company actually states it's a vinyl product. She reached out to the Texas Historical Commission, both the Certified Local Government Coordinator (which the city is designated), and the architectural reviewer for the North Texas region, to find out what their assessment was from the state agency on use of Fibrex material. THC views Fibrex as a vinyl plastic window, while some literature considers it maybe more of a fiberglass. However, there is no glass component in this material. To be a fiberglass window, it has to be certified as having some components of glass. If there were to be a historic tax credit project involved, this material would not be allowed. They go back to the standard types of window material being wood, aluminum clad wood, or in some cases (for more commercial industrial buildings) steel. With the Secretary of the Interior standards, we try to focus on repairing deteriorated historic features, rather than moving directly to replacement. Ms. Montgomery-Gagné reiterated that windows are generally a defining feature on any structure, whether it be non-contributing due to age or it being a primary contributing structure.

Chairperson Graham opened the discussion to the Commission.

Mr. Noros Martin asked if the Planning and Zoning Committee has a recommendation to approve or not approve this request? Staff stated the Planning & Zoning Commission would not have a recommendation on this request.

Ms. Janel Ponder Smith said she thought every house in the district was flagged in the Building Inspection database so that when someone tried to obtain a permit it was

supposed to automatically re-direct to Landmark/Historic Preservation. Staff explained the historic property addresses are flagged in the MyGov software, and that was the software used at the time. This was human error, but it has been addressed by the Interim Chief Building Official, because that's the whole point of why these properties are flagged in the building permit software system. We are having problems with the new software program since going online as far as getting the historic properties flagged by the software company. The Interim Chief Building Official has really looked into that and it's supposed to be getting flagged in the new database program.

Mr. Andrew (Andy) Earll explained he bought the house in February, so has lived in it almost a year. When they moved in, the fence and the shed (no record of permits) were already there and he stained the fence after moving in. The shed can be easily moved. When he moved into the house, he realized there were repairs and upgrades that were going to be needed, the windows being one of them. At least 75% of the Argon had leaked out of the windows, they were fogged up and in really bad shape. He stated he didn't want vinyl windows because they don't hold up well in the heat, and he looked at aluminum windows as an option but they only had a 10-year warranty. He contacted Renewal by Anderson to research other options and was informed that the Fibrex is twice as strong as vinyl, has zero thermal absorption and doesn't expand like other materials. Mr. Earll bought 20 windows, got the permits and spent about \$68,000. These windows have a 20-year warranty. Mr. Earll indicated when the HPO contacted him about the issue, he didn't even know there was an issue. He was aware of the Landmark Commission, but also knew that his home was non-contributing since it was built in 1984, so he wasn't sure how the Design Guidelines applied. He thought everything was good since he went through the permit process, permit was approved and the inspection was completed in November 2024. He wasn't aware of the state's stance on vinyl and they consider this vinyl material. He informed the Commission the rear window that he is asking to be replaced does not have any tint and the framing is similar to the original windows. The rear triple window cost \$13,000, which Mr. Earll has already purchased. He purchased the final window separate from the others due to the cost factor. He stated that his intent was not to devalue the home or devalue the neighborhood, or have a negative impact on the district.

Landmark Commission members deliberated over the case. Ms. Ponder Smith asked, "when you took out the permit for this last window, that's when it kicked in?" Mr. Earll stated, "I feel like what happened this time is probably what should have happened back in September." It was noted that Mr. Earll thought he had made the right steps to get the windows replaced, and since finding out about the issues has been educating himself on the Historic Landmark requirements and has gone through the minutes from past meetings.

There was some discussion on realtors getting and sharing more knowledge of the historically designated properties and design standards with potential buyers. There has been training in the past, but there seems to be a lot of newer real estate professionals in the area. Mr. Earll said it's not an HOA, but if he was buying a home that was in an HOA he would have to sign significant paperwork acknowledging that he was in an HOA. There should be something buyers in a historic district have to sign for disclosure.

Chairperson Graham got back to agenda item #3. She said she knows he has replaced all the windows and he wants everything to match. The window is in the rear of the house and behind a fence and patio cover with minimal exposure outside the privacy fence from the public right of way. She asked if anyone would like to make a motion to approve or disapprove the case.

Mr. Bill Enlow made a motion to approve a request to replace one - triple section aluminum window on the rear (east) facade of 1311 Tilden, non-contributing structure, with a Renewal by Andersen 'Acclaim' Fibrex material based on:

- 1) it being the same size, design, and material as the previously replaced 20 windows which erroneously obtained building permits and inspections fall 2024; and
- 2) the Wichita Falls Design Guidelines Chap. #2 Design Review Process; Sec. 2 - Major Alterations apply to alterations visible from the public right of way, of which, this window has limited exposure from the public right of way. Dr. Dawn Ferrell seconded the motion.

Chairperson Graham asked if there were any public comments.

Ms. Ponder Smith said she would like it stated on the record that Mr. Earll did what he was supposed to do, and he was not informed that he was supposed to go before the Landmark Commission. He was without fault, and tried to do what was required.

Chairperson Graham took the motion to vote, and it passed 7-0.

IV. Action Item: Design Review Case – 1401 Tilden:

Request authorization to: remove an illegal steel-framed carport; to install a replacement fence; to expand the fenced area; and to install a 19x6ft rolling gate.

District – West Floral Heights

Applicant – Jake Martin, Marant Construction, representative for owner

Ms. Montgomery-Gagné stated the owners of this house haven't relocated from the metroplex but were having a lot of work done to the house in preparation for move in. Mr. Jake Martin, Marant Construction, is the authorized representative for the owners. Photos of the property were shown pointing out the north and the west section of the property, where today's case will be focused. The house is a non-contributing structure, built in 1972. She noted, if this district were being nominated today, the house would meet minimum age criteria. It is a ranch home with brick veneer, and decorative columns

across the front; central raised section with the roof, and very typical in ranches, a low sloped roof (this one is a gable roof.) Showing additional inventory pictures from 2004-2013, Ms. Montgomery-Gagné noted the only difference in 2013 was addition of window shade screens and painting the decorative shutters. She also pointed out the design of the side garage and driveway, essentially the same in 2019 photos and the open section of yard between the fence and the driveway is now proposed to be incorporated in the fenced/gated portion of the yard. Ms. Montgomery-Gagné showed additional photos from the alley right of way, and the privacy fence throughout the last ten years, and how it has deteriorated and in need of maintenance, repair or replacement.

The carport was noticed in December by a building inspector investigating a complaint for another home on Tilden. The inspector issued a stop work order and spoke with the house sitters. An extended height carport (9.5ft) was constructed void of permits for a raised pickup. It was not fully constructed, only the framework however it's placement in the concrete slab appeared to be 1-2ft from the exterior side property line which violated zoning setback requirements. There were three issues - zoning setback violation, a design standards violation and no permits to conduct work. The contractor, Rocking J Fence, as of Feb. 19 was still not licensed and bonded for work within the city. Unfortunately, the owner will not have recourse to go back on that contractor's bond for the illegal work. Mr. Martin, Marant Construction, is now working with the city and the owner to rectify the situation. Marant Construction has prior experience working in the historic district and understands unique requirements and steps necessary for design review. Staff appreciated Marant's assistance to move this case forward.

Ms. Montgomery-Gagné showed additional photos that were taken when the stop order was posted. She added that staff tried to expedite the case so the owners could keep things moving forward since the case came in past the deadline. Staff pointed out, the owners didn't want to go through the expense of having to cut the carport steel frame down, remove it, and rebuild a carport setback further into the yard because of the added height the setback was greater making it difficult to maneuver the angles with a vehicle coupled with the added cost for more concrete. Staff worked with Code Enforcement because there was an in-ground pool left accessible from the street by the prior contractor. The owners have complied and have put up temporary construction fencing to secure the backyard. Noting the construction fence, it was explained that where it was placed will be the proposed edge of the new fence and future rolling gate. Ms. Montgomery-Gagné stated the owners have complied with the stop work order, and have not done any additional construction.

The HPO referred members to the revised carport design Mr. Martin had proposed to the owner using materials appropriate to the district (cedar wood covered steel supports and composition shingle roof with decorative details mirroring house design). Staff noted carports are only allowed six columns, so if this were moving forward, there would need

to be some modifications to remove two columns. But the owner has opted to completely remove the illegal carport and not pursue a revised design in compliance with zoning, design standards and building code at this time.

The HPO commented that as Commission members deliberate the case, encourage considering stipulating a deadline for the illegal carport's removal so it doesn't lag since the owners are not seeking an altered design or placement meeting design standards and setback requirements of the Zoning Ordinance. Second item is the fencing and expanded area within the fence, permits will be needed for the fence based on height and concrete footer and thirdly, the rolling gate will need a permit, but part of that depends on whether it's motorized. If it is more than low voltage, then an electrical permit will be triggered.

Chairperson Graham opened the discussion to the Commission. She made a motion to separate the items, making the fence, the carport and the gate separate items. Ms. Ponder Smith seconded the motion. Chairperson Graham took the motion to vote, it passed 7-0.

Demo Illegal Steel Framed Carport: Ms. Ponder Smith made the motion to remove within thirty (30) days from February 25, 2025 from 1401 Tilden an illegally constructed steel framed carport placed in the exterior side yard setback not in keeping with materials/finish design standards for the historic district (Design Guidelines - New Construction - Chap. 4; Sec. 4.D & E). All demolition work shall be in accordance with Building Code and the Wichita Falls Design Guidelines. Mr. John Dickinson seconded the motion. Chairperson Graham took the motion to vote, it passed 7-0.

Replacement/new section of fence put up without permits. There was an existing perimeter privacy fence, however, it's completely been rebuilt with the new fence, and it appears much taller along the alley side. There was discussion on actual height of the fence, and Mr. Martin stated the pickets were 6-feet and then add height of concrete footer, roughly 6'4". Wichita Falls does have an ordinance that requires a fence over 6' to be permitted. Mr. Martin explained the original contractor did not pull any permits. There is also a section of fence at the alley/side street that appears to extend into the alley right of way. It was stated there is a gas meter or something there that it is covering; it extends approximately 3-4 feet, and since there is a setback requirement, that extension will need to be flush with the other fence line. The extension will need to be removed. It was asked of Mr. Martin if the fence top could be cut down to the 6' height, and he said it could be. The fence posts are all metal posts, painted black with an oil-based paint, which will be exposed if the fence top height is cut down. Ms. Montgomery-Gagné mentioned to the Commission that they have approved fences in the past up to 8 feet, but it was with the intention that there would be building permits and work not yet initiated. She said with everything involved in this case, it might be easier to consider having that height, and then the requirement that a building permit be obtained then address if the fence was constructed beyond the property line. Mr. Terry Floyd informed the Commission that the

height of the fence doesn't have anything to do with how it looks, needing a permit for any fence over 6 feet in height is a structural factor. The higher the fence the higher the wind load, and the fence will need the appropriate supports and structure to withstand higher wind loads.

Replacement perimeter fence/footer and expansion: Ms. Ponder Smith made the motion to allow the already installed replacement perimeter privacy fence approx. 6.5ft height with concrete footer but reconfigure to enclose portion of the open exterior side yard by the side driveway and remove the fencing section that encroaches into the public right of way by the alley/Ave. D. Mr. Noros Martin seconded the motion. Chairperson Graham took the motion to vote, and it passed with a vote of 7-0.

Next item was the rolling gate, staff explained the gate would be parallel to the driveway, and would open behind the wall of the garage when they pull in or try to access the rear yard. Materials same as the fence, similar in scale and finish as found throughout the historic district. Mr. Jake Martin pointed out that some of the track for the gate was already in place as that was part of the original plan. How the gate is to be powered was discussed, but Mr. Martin said he has not spoken with the owners yet to find out what kind of power they will be using to operate the gate (Solar, battery or electrical.) Ms. Montgomery-Gagné told the Commission that Building Inspections will determine what level of permitting will be needed for the gate, depending on if it's motorized, or how it's motorized will determine if it triggers an electrical permit. The gate will trigger a building permit, and someone will inspect as it might need a second permit for electrical. The Commission has no say on how it is motorized, unless it's from a design perspective. The goal is no visibility from the public right of way – all the framework and functional components of the gate will be on the inside yard area.

Rolling Gate: Chairman Graham made a motion to approve a 19 x 6ft rolling gate with cedar privacy materials on exterior facing public right of way and tubular metal framing, wheels on the interior yard view along with a v-groove rolling track set in the concrete slab. Gate to be motorized but undetermined whether powered by solar/battery or electric but all shall be in accordance with Building Code and the Wichita Falls Design Guidelines. Mr. John Dickinson seconded the motion. Chairman Graham took the motion to vote, and it passed with a vote of 7-0.

V. Other Business:

Chairperson Graham reported the St. Patrick's Day festival on March 15th and other downtown project.

Staff outlined some updates related to ensuring Commissioner's completed their required, online PIA/OMA training. It is an annual course, and when completed, email

your certificate of completion to the clerk's office. Staff informed the annual CLG report to THC was submitted and there were 48 design review applications during the 23/24 reporting year including staff administrative cases and the information is then submitted to the Department of the Interior from each state.

It was recommended to go log in to National Trust because with all of the executive orders, things are changing rapidly related to potential impacts to national parks, cultural sites, lack of funding/historic tax credits, etc. There's still some question as to whether the Historic Preservation Fund and federal historic tax credits will be funded and also the commissions, one of them being celebrating America's 250th birthday.

Staff provided a save the date of April 12 for Wichita Co. Heritage Society's Tour of Homes event.

A reminder to think of some things we would like to accomplish as a Commission during National Historic Preservation Month in May. Last year, the HPO & Commission partnered for an educational training 'Lunch & Learn' at the Museum of North Texas History about the importance of the Texas Historical Markers and THC's 10-step refurbishment process which helps make a difference and raise awareness in the community. It might be time to think about doing something else in 2025. We've worked with the Arts Alliance, Wichita County Historical Commission, the Heritage Society, and MSU Department of History for an annual proclamation declaring May Historic Preservation Month in Wichita Falls and Wichita County.

We are continuing to work with Mr. Ricky Lowe, owner of Davenport's as he is wanting to nominate his historic business as a City Landmark since it will celebrate a 100th anniversary in 2026. He will be working with people at the Wichita Co. Archives for research information and there is existing history based on the THC subject marker erected on the Davenport Grocery site. We anticipate the nomination packet in the next few months.

VI. Adjourn:

Chairperson Graham adjourned the meeting at 1:26 pm.

Chairperson Graham stated that the next scheduled meeting will be March 25, 2025 at 12:00 pm.

Christy Graham
Ms. Christy Graham, Chairperson

3/25/2025
Date