



## HISTORIC PRESERVATION MANUAL CERTIFICATE OF APPROPRIATENESS REVIEW

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Date: **May 22, 2023**

Project: **#304 Mercer Street, Dripping Springs, TX 78620**

Applicant: **Marvin Sommerfeld (512) 426-7300**

Historic District: **Mercer Street Historic District**

Base Zoning: **CS-HO**

Proposed Use: **N/A- Site Improvements Only / No Change in Use Proposed**

Submittals:  Current Photograph  Concept **N/A**  Exterior Elevations **Site Photos**  
 Color & Materials Samples **Vintage Fencing Wire**  
 Sign Permit Application (if applicable) **N/A**  
 Building Permit Application  
 Alternative Design Standards (if applicable) **N/A**

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The following review has been conducted for the City of Dripping Springs to determine compliance and consistency with the City of Dripping Springs CODE OF ORDINANCES, Title 2 BUILDING AND DEVELOPMENT REGULATIONS, Chapter 24, BUILDING REGULATIONS, Article 24.07: HISTORIC PRESERVATION, Section 24.07.014: "CRITERIA FOR ISSUANCE OF CERTIFICATE OF APPROPRIATENESS."

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### Project Type & Description:

**"Yard Fencing"** Proposed fencing of front, side, and rear yards of the existing historic structure.

Review Summary, General Findings: **"Approval with Conditions Recommended"**

General Compliance Determination-  Compliant:  Non-Compliant  Incomplete  
Subject to Conditions

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P.O. Box 384  
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512-858-4725

**Findings of Fact:**

1. **Notice of Violation / “Stop Work Order:”** April 26, 2023- Work Without Proper Permits:
  - a. Yard Fencing & Gate- Construction of improvements in a Historic District w/o Certificate of Appropriateness.

**Staff Review Recommendations / Conditions of Approval:**

1. **Permits:** Obtain necessary Permits (if any) from the City of Dripping Springs.
2. **Front Yard Fencing-** is disallowed per Zoning Code (Ch. 30 Sec. 5.10.2) & discouraged in Mercer St. Historic District Guidelines. Previously installed metal fence poles and gate @ property frontage shall be removed.
3. **Side and Rear Yard Fencing-** may be allowed if side fencing is realigned and terminated to the side walls of the building, behind the front corners of the street wall elevation.
4. **Fencing Materials and Height-** Vintage style fencing wire is approved as submitted with a nominal height not to exceed three feet (3’0”) above finished grade.

**CERTIFICATE OF APPROPRIATENESS- Staff Review Summary:**

**Historic Resource Background /Survey Information:**

**(Resource #1) F. W. Miller Rock Café, ca. 1940. Contributing.**

“This one-story limestone café building was built as a companion to the Texaco station next door (Resource #8). Because of this, its style and composition is almost identical. A single front entry door with transom is flanked by two wood four-light windows. Each window has a two-light transom. The side elevations have a mix of rectangular windows and smaller clerestory-type windows under the wide overhanging eaves. The roof is hipped. On the front corner of the building is a carved stone block that reads, “F.W. MILLER 1940.”

F. W. Miller built this café a few months after the Texaco Station was finished. Pete and Naomi Glosson operated the café for a few years. Beginning in 1941, James W. “Jimmy” Glosson and his wife Tula operated Bonnie’s Café, named for their daughter. The Glossons ran the café for fourteen years. In 1956, the Glossons moved several buildings to the east and took over the family grocery business. Bonnie’s Café remained a restaurant for some years, but since 1965 it has been an office and even a residence. Bonnie’s Café has changed very little since it was built in 1940 and is a contributing resource in the historic district.” (US Dept. of the Interior / Mercer Street NRHP Registration #13000504- 5/31/15).

**Reviewer’s Note:** The property was recently purchased and converted to a Short-Term Rental unit by the current Property Owner / Applicant, who is operating it as an AirBNB. The re-use is consistent with zoning & involved interior remodeling with no significant exterior modifications.

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**Project Overview: “#304 Mercer St. Yard Fencing:”**

See COA application and Existing Photographs. This COA application / request is a “case after the fact.”

The proposed project has already been partially constructed. Work was stopped by the City Building Dept. Inspector for lack of proper permits (COA required for improvements in a Historic District).

The Applicant seeks a fencing enclosure of front, side, and rear yards to create more private, secured spaces and controlled access around the building, considering recent illicit activities which have occurred on the property.

Our Mercer St. Historic District guidelines encourage the enhanced public/private use of the building frontage spaces, to promote the walkable character of the District, and develop an inviting, desirable relationship between the improved private properties and the public activities on Mercer Street.

Mercer St. Historic District Design and Development Standards specifically call for the promotion of Sidewalk Activity Zones. While the proposed Front Yard Fencing would create privacy and control access from Mercer St., it would discourage public interaction and visual engagement between the historic resource (building) and the sidewalk activity the guidelines seek to promote.

**Front Yard Fencing-** is also disallowed on non-residential property per City of Dripping Springs Zoning Code (Sec. 5.10.2 “Placement of Screening Fence or Wall” see Appendix of this report for excerpt). Previously installed metal fence poles and gate @ property frontage shall be removed. **(Conditions of Approval #2).**

**Side and Rear Yard Fencing-** may be allowed if side fencing is realigned and terminated to the side walls of the building, behind the front corners of the street wall elevation **(Conditions of Approval #3).**

**Fencing Materials and Height-** Vintage style fencing wire is approved as submitted with a nominal height not to exceed three feet (3’0”) above finished grade. **(Conditions of Approval #4).**

**Landscaping Improvements.** A preliminary Landscape Plan was submitted as supplemental information to this COA and may be considered for approval at the HPC’s discretion. Staff encourages the use of landscape plantings and features such as hedges, low walls, quarry block seating, etc. to achieve the desired level of privacy and spatial separation sought by the Applicant and creating pedestrian amenities.

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**Staff Recommendations:** “Approval with Conditions” is recommended, as outlined above.

**“Mercer Street Design and Development Standards:”**

The proposal is found to be consistent with applicable design and development standards (Comparative Summary Below), and “Approval with Conditions” is recommended.

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**Character/Vision:** Consistent: “Promote Revitalization.”

**Design Principles:** Consistent (Subject to Conditions of Approval): “Protect Historic Pedestrian Scale & Main Street Character; New Construction shall be compatible with surroundings.”

**Preferred Uses:** Consistent (Subject to Conditions of Approval: “Pedestrian- Oriented.”

**Site Planning & Building Placement:** N/A- (Existing) Building is not altered by the proposal.

**Parking Arrangement:** N/A- (Existing) Parking Arrangement not affected.

**Building Footprint / Massing / Scale:** N/A- not altered.

**Street Frontage / Articulation:** N/A- not altered.

**Porches:** N/A- not altered.

**Roofs:** N/A- not altered.

**Materials:** Consistent: Vintage Fencing Wire.

**Color Palette:** N/A- not altered.

**Tree Preservation:** N/A- No proposed impact to existing trees.

**Landscape Features:** N/A- no existing historic landscape features affected.

**CRITERIA FOR CERTIFICATE OF APPROPRIATENESS (SECTION 24.07.014)**

- (a) **STANDARDS & DESIGN GUIDELINES OBSERVED:**  
Project is guided by applicable Historic Preservation Standards and Design Guidelines.  
See detailed summary above.  Compliant  Non-Compliant  Not Applicable
- (b) **MINIMAL ALTERATION:**  
Reasonable efforts made to adapt property requiring minimal alteration of building, structure, object site & environment.  
 Compliant  Non-Compliant  Not Applicable
- (c) **ORIGINAL QUALITIES PRESERVED:**  
Distinguishing original qualities or characteristics not destroyed. Removal or alteration of historic material or distinguishing architectural features avoided.  
 Compliant  Non-Compliant  Not Applicable

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- (d) **PERIOD APPROPRIATENESS:**  
Buildings, structures, objects, sites recognized as products of their own time. Alterations without historic basis or creating an earlier appearance discouraged.
- Compliant  Non-Compliant  Not Applicable
- (e) **CUMULATIVE & ACQUIRED SIGNIFICANCE:**  
Cumulative changes with acquired and contributing significance are recognized and respected.
- Compliant  Non-Compliant  Not Applicable
- (f) **DISTINCTIVE STYLISTIC FEATURES & CRAFTSMANSHIP:**  
Distinctive stylistic and characteristic features and examples of skilled craftsmanship are retained where possible.
- Compliant  Non-Compliant  Not Applicable
- (g) **DETERIORATED ARCHITECTURAL FEATURES:**  
Deteriorated architectural features repaired rather than replaced. Necessary replacements reflect replaced materials. Repair or replacement based on historical evidence not conjecture or material availability.
- Compliant  Non-Compliant  Not Applicable
- (h) **NON-DAMAGING SURFACE CLEANING METHODS:**  
Surface Cleaning Methods prescribed are as gentle as possible. No sandblasting or other damaging cleaning methods.
- Compliant  Non-Compliant  Not Applicable
- (i) **ARCHEOLOGICAL RESOURCES PRESERVED:**  
Reasonable efforts made to protect and preserve archeological resources affected by, or adjacent to project.
- Compliant  Non-Compliant  Not Applicable
- (j) **CONTEMPORARY DESIGN- CONTEXT SENSITIVE & COMPATIBLE:**  
Contemporary alterations & additions do not destroy significant historical, architectural, or cultural material and are compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- Compliant  Non-Compliant  Not Applicable
- (k) **RETROVERSION- ESSENTIAL FORM & INTEGRITY UNIMPAIRED:**  
Future removal of new additions & alterations will leave the essential form & integrity of building, structure, object or site unimpaired.
- Compliant  Non-Compliant  Not Applicable

(l) **PAINT COLORS- HISTORICAL BASIS:**  
Paint colors based on duplications or sustained by historical, physical or pictorial evidence, not conjecture.  
 Compliant  Non-Compliant  Not Applicable

(m) **HISTORIC DISTRICT CONTEXT- OVERALL COMPATIBILITY:**  
Construction plans are compatible with surrounding buildings and environment vis. height, gross volume and proportion.  
 Compliant  Non-Compliant  Not Applicable

**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (SECTION 24.07.015)**

(g) **EXPEDITED PROCESS FOR SMALL PROJECTS: ELIGIBILITY = “Not Eligible”**  
Expedited process for small projects (cumulative costs < \$10,000); must be “No” to all:

<b>Building Footprint Expansion/Reduction?</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Façade Alterations facing Public Street or ROW?</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Color Scheme Modifications?</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Substantive/Harmful Revisions to Historic District?</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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Please contact (512) 659-5062 if you have any questions regarding this review.



By: **Keenan E. Smith, AIA**

\*\*\* **Appendix:** Excerpt from Ch. 30 Sec. 5.10.2 of the City of Dripping Springs Zoning Code:

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**City of Dripping Springs- Zoning Code:**

Sec. 5- Development Standards and Use Regulations

**B) Fencing, Walls & Screening**

**5.10. Screening of nonresidential and multiple-family.**

5.10.2. Placement of screening fence or wall : In nonresidential and multiple-family zoning districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence or wall is required to screen the development from an adjacent residential area.

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