



**CITY OF FREDERICKSBURG
HISTORIC REVIEW BOARD**

TUESDAY, JANUARY 10, 2023

5:30 P.M.

LAW ENFORCEMENT CENTER at 1601 E. MAIN ST

David Bullion, Chair
Jessica Mittel, Vice Chair
Larry Jackson, Member
Liliana Welliver, Member
Robin Cowsar, Member

Richard Laughlin, Member
Sam Childers, Member
Joe Salinas, Jr., Member
Amy Slaughter, Member

The City of Fredericksburg Historic Review Board will meet in a regular session on **Tuesday, JANUARY 10, 2023, at 5:30 p.m. The meeting will be in person at the LAW ENFORCEMENT CENTER AT 1601 E MAIN.** This meeting will be held in person and live stream on our YouTube Channel.

Link to City of Fredericksburg YouTube Channel Fredericksburg, Texas USA - YouTube

<https://www.youtube.com/channel/UCrhnlFjVfDS1SPBJD2pYKcQ/featured>

1. CALL TO ORDER

2. ROLL CALL

3. CHAIR'S STATEMENT

4. PUBLIC COMMENTS

The Historic Review Board welcomes citizen participation and comments at all HRB Regular Meetings. The Historic Review Board offers citizens the opportunity to address them by signing up to speak prior to the meeting and to limit comments to 3 minutes.

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. January 10, 2023.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to ahudson@fbgtx.org or

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. at the Law Enforcement Center to comment. You will be limited to 3 minutes to speak.

5. APPROVAL OF MEETING MINUTES

December 13, 2022, HRB meeting minutes

**6. CERTIFICATE OF APPROPRIATENESS APPLICATIONS
INDIVIDUAL CONSIDERATION**

- A. Application- #23-004 **416-418 E Main Street**– *Keith Smith*- painting and fencing

7. OTHER DISCUSSION AND ACTION ITEMS

- A. Discussion and possible action regarding potential demolition by neglect of 413 W. Creek Street

8. ADJOURN

This is to certify that I, Anna Hudson, posted this Agenda by 12:00 p.m. on Friday, January 6, 2023, on the bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Anna Hudson
Historic Preservation Officer

**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**HISTORIC REVIEW BOARD
DECEMBER 13, 2022
4:30 PM**

On this 13th day of December 2022, the Historic Review Board convened in regular session at the Law Enforcement Center located at 1601 E. Main Street, with the following members present to constitute a quorum:

PRESENT:

DAVID BULLION
LARRY JACKSON
LILIANA WELLIVER
SAM CHILDERS
AMY SLAUGHTER
RICAHRD LAUGHLIN @ 4:33
JESSICA MITTEL @ 4:35

ABSENT

JOE SALINAS
ROBIN COWSAR

ALSO PRESENT:

ANNA HUDSON – Interim Director of Development Services
DANIEL JONES – City Attorney
SHELBY COLLIER – Associate Planner

David Bullion called the meeting to order at 5:30 PM.

MINUTES

Richard Laughlin motion to approve minutes. Seconded by Larry Jackson. All voted in favor and the motion carried.

STAFF ANNOUNCEMENTS

CONSENT AGENDA

Application- #22-111 N Milam– William Whitworth- new storage building.

Application- #22-108 208 E Centre– Randy & Terry Smith- new garage with living unit and new pergola.

Application #22-108 was removed from the consent agenda by Richard Laughlin for discussion.

Motion to approve Application #22-111 made by Sam Childers. Seconded by Richard Laughlin. All voted in favor and the motion carried.

APPLICATIONS

Application- #22-108 208 E Centre– Randy & Terry Smith- new garage with living unit and new pergola.

Terry Smith, the applicant, presented the application. She stated that it was his intent to build a new garage with an ADU attached.

Richard Laughlin made a motion to approve Application #22-108. Seconded by Larry Jackson. All voted in favor and the motion carried.

Application- #22-102 419 W Main Street– Brandon Weinheimer-SKT Architects- roof replacement, new front wall.

Brandon Weinheimer with SKT Architects presented the application. He stated that he is requesting approval to replace the existing metal roof with a new metal roof with turned ridges and would like to build a new stone wall in front of the property as well as replace the glass on a rear window with safety glass due to its location at the base of a set of interior stairs.

Anna Hudson, Interim Director of Development Services, stated the applicant is requesting approval for the following:

- A. Replace metal roof with new metal roof with turned ridges
- B. Build new stone wall on front property line
- C. Replace glass on rear window with safety glass

The original (or at least historic aged) wood shingles are still intact under the metal roof. The wood shingles will not be salvageable once the existing metal roof is removed. Wood shingles are a character-defining feature for the age and style of the stone house. If feasible, the feature should be retained with an in-kind replacement. The age of the front porch is not certain, and no wood shingles are intact. The requested replacement of a standing seam metal roof for the porch is more appropriate than the main portion of the house. Staff has cited the relevant sections of Section 3.23. Roofs from the Design Guidelines/Standards. 3.2.3.f-i.

Given the property's use as a residence on Main Street and the appropriate design staff recommends approval with the stipulation the wall be no more than 3' tall as required by 3.2.12.(c)

Interior alterations trigger the requirement for safety glass given the proximity of the window to a new stair. The window is not visible from the street and only the glass will be replaced. Staff recommends approval as requested. 3.2.8.(c)

Richard Laughlin asked if there was evidence of a wood shingle roof. Brandon Weinheimer responded there was a wood roof underneath the metal and that the metal roof had been there for some time.

Richard Laughlin stated it was his opinion that the roof, if replaced, should be replaced with wood shingles.

Larry Jackson stated he saw no issues with the proposed stone fence but would like to see a wood shingle roof.

David Bullion stated given the age of the existing roof, the metal roof is now historically significant in its own right.

Richard Laughlin made a motion to approve items B & C as presented. Seconded by Jessica Mittel. All voted in favor and the motion carried.

Richard Laughlin made a motion to approve replacement of the roof with a red standing seam roof or wood shingles. Seconded by Larry Jackson. Sam Childers and Liliana Welliver voted in opposition, all others voted in favor and the motion carried.

Application- #22-110-A 413 E Main Street– Nicki Heiner- relocate house on property, relocate front doors, porch repairs, rear addition, enclose basement

Nickie Heiner presented the application. She stated that it was her family's desire to relocate to rehabilitate the property which would include relocation of a front door, replacement of rotten posts and railing, replacement of porch trim with gingerbread trim, relocate the pier and beam portion of the house 3 feet to the east, remove the addition, build a new addition, replace the roof and repaint. In addition, they would like to demolish the tank house and barn and reuse the materials on the property.

Anna Hudson, Interim Director of Development Services, stated the applicant is requesting approval for the following:

- A. Relocate 2 front doors to location of windows
- B. Replace rotten posts and railing with new wood decorative posts and railings
- C. Replace existing porch trim with gingerbread trim
- D. Relocate pier and beam house 3' to the east to allow safer vehicular access to the rear of the property
- E. remove non-original rear addition
- F. construct new rear addition
- G. enclose Basse block basement due to years of leakage
- H. replace metal roof
- I. repaint all exterior features
- J. removal front metal fence and arch (circa 2015)
- K. Demo existing Basse block tank house and re-use blocks
- L. Demo existing wooden barn and re-use materials

Rehabilitation of the house has begun by removing the non-original asbestos siding which has uncovered some original features. Some requested items will need further documentation to ensure the proposed changes are period appropriate and historically accurate. Overall staff commends the new owner for taking on the rehabilitation. Items that are repair/maintenance and rehab based on photographic or physical evidence can be approved by staff administratively with more documentation and include the following: A, B, H, I, J based on relevant sections of the Design Guidelines/Standards for Porches, Roofs, Landscaping, Walls, Windows, and Doors.

Items that need Historic Review Board approval.

C. If there is any type of evidence that the house previously had gingerbread the request can be considered, otherwise this request is not in keeping with section 3.2.5.(b)

D. The property has Central Business District zoning which allows and encourages a variety of commercial uses. CBD zoning allows buildings to be built on the lot line. The 400 block of E Main Street was historically a residential block that has been used for commercial businesses for decades. The lots are deep and narrow. This lot in particular has very limited access to the majority of the lot behind the house. While the request to move the house to the east would alter the original development pattern, the request makes the property more usable. On this block the most important setback is the front yard setback. There is no request to change this. The pier and beam house can likely take place without causing much harm. The Basse block rear addition currently leaks. The applicant is proposing to either dismantle and rebuild the addition with the house move or keep it I situ and address water infiltration issues.

E. The existing rear addition is an enclosed porch. Staff recommends the removal

F. More information is needed on the design including roofline.

G. If it is decided that infilling the basement is the best approach, staff recommends the window be retained but covered from the inside.

K. More information is needed on the condition of the Basse block tank house

L. More information is needed on the barn. If it is not of historic age staff recommends dismantling to allow for re-use of materials.

Jessica Mittel voiced her concern that approving the relocation of the structure would be approving the demolition of the base block portion of the residence given the difficulty in relocating the masonry. She voiced her discomfort with losing the Basse block.

Sam Childers stated he would like to see an elevation with structure moved.

Jessica Mittel made a motion to approved items A, B, H, I, J, & L. Richard Laughlin seconded the motion. As the motion was discussed Sam Childers recommended the removal of Item L. Amy Slaughter agreed.

Jessica Mittel revised her motion approved items A, B, H, I & J. Richard Laughlin seconded the motion. All voted in favor and the motion carried.

Jessica Mittel made a motion to approve Item E. Seconded by Amy Slaughter. All voted in favor and the motion carried.

Jessica Mittel made a motion to approve Item G per Staff recommendation. Seconded by Larry Jackson. All voted in favor and the motion carried.

Amy Slaughter made a motion to deny Items C, F, K & L. Seconded by Jessica Mittel. All voted in favor and the motion carried.

Richard Laughlin made a motion to take no action on Item D. Seconded by Larry Jackson. Jessica Mittel voted in opposition, all others voted in favor and the motion carried.

Application- #22-110-B 413 E Main Street– Nicki Heiner -new construction of 2-story STR units behind main house.

Nickie Heiner presented the application. She stated that it was her family’s desire to build two, 2-story and one, 1-story STR Building.

Anna Hudson, Interim Director of Development Services, stated the applicant is requesting approval for the construction of two 2-story STR buildings with 3 units each and one 1-story STR dogtrot building with 2 units.

The new construction is placed to the rear of the property and is only 4’ taller than the historic house at the front of the property. The project is broken into 3 pieces to reduce the massing. The materials and design are a blend of contemporary and historic. Staff recommends approval.

Jessica Mittel stated she liked the design as it was a great use of space.

Jessica Mittel asked the applicant to consider long rectangular windows to break up the view.

Liliana Welliver asked to decrease the head height of the windows to align with the doors and to decrease the amount of the windows. Additional they could add mullions, perhaps double hung windows and to find a way to break up the volume. She recommended a 6X6 or an 8X8 post. She stated that she did not feel that gingerbread was appropriate.

Richard Laughlin made a motion for Conditional Approval of Application #22-110-B to include an East and West elevation and the addition of the existing tank house to the Site Plan and to take into account the comments provided by the Board regarding the design. Seconded by Jessica Mittel. All voted in favor and the motion carried.

DISCUSSION ITEMS

Comprehensive Plan Update

Anna Hudson provided an update regarding the Comprehensive Plan. The consultants will return to Fredericksburg on January 17th for a joint meeting with Planning and Zoning and City Council. There will also be two focus group meetings on the 18th of January as well as a public Open House.

ADJOURN

With nothing further to come before the Board, David Bullion moved to adjourn. Amy Slaughter seconded the motion All voted in favor and the meeting was adjourned at 6:16 p.m.

PASSED AND APPROVED this the 10th day of January 2023.

SHELBY COLLIER, ASSOCIATE PLANNER

DAVID BULLION, CHAIRMAN

**Historic Review Board
Application Information**

Application Number: 23-004
Date: January 10, 2023
Address: 416-418 E Main
Zoning: CBD
Owner: Jason Stout
Applicant: Keith Smith – Absolute Design
Rating:
Proposal: repainting, new fencing

Request:

The applicant is requesting a Certificate of Appropriateness to:

- A. repaint all exterior features
- B. Install new metal fencing and screening for new dumpster location
- C. New dumpster location

Relevant Sections Fredericksburg Historic District Design Guidelines/Standards:

3.2.12 Landscape and Site Features

Alterations

- (b) Do not construct front-yard fences where they were not present historically, unless necessitated by a safety issue or an adjacent noxious use (SOI Standard 3).

High Priority	Medium Priority	Low Priority
Required	Recommended	Recommended

Service Areas and Parking

- (i) Locate service areas at the rear of the site, unless it will entail impacting a historic resource or landscape feature; the side of the property may be permitted in some instances.

High Priority	Medium Priority	Low Priority
Required	Required	Required

(j) Locate off-street parking to the rear of the site, unless it will entail impacting a historic resource or landscape feature; the side of the property may be permitted in some instances.

High Priority	Medium Priority	Low Priority
Required	Required	Required

(k) Always use landscaping as a buffer between service areas/parking lots and streets or buildings, as well as to break up the visual effect of a parking lot – regardless of the location of the service area or parking lot.

High Priority	Medium Priority	Low Priority
Required	Required	Required

G.6. PAINT MAINTENANCE AND PALETTES

The following section intends to help property owners select period-appropriate paint colors. Paint may be used as a tool for property owners to make their building unique and recognizable to patrons or others who pass by. Within a historic district, paint must also complement the district’s overall historic character.

1. Select colors predominant to the era in which the structure was built, shown in the palettes in figures G.1—G.4.
2. Consider restoring historic colors based upon historical, physical, or pictorial evidence or documentation. One way to discover historic paint colors is to gently hand-scrap a small area on the building to get down to the base coat, then wet the surface to get a more accurate picture of how the historic paint colors looked. (For research aides, refer to the “Historical Research Resources” section found in Appendix H.)
3. Test chosen colors in patches on the building to see how they reflect light and appear in sunshine, cloudy weather, and at different times of the day, prior to applying the paint to the entire building.
4. Choose paint colors that emphasize character-defining historic features. Use more muted colors on non-historic elements.
5. Be aware that most buildings and structures built before 1950 may have one or more layers of lead-based paint; use precautionary measures whenever removing such paint.

Staff Recommendation/Findings:

Paint and fencing, if proposed to meet the Design Guidelines/Standards, are approved administratively. The structure in question is a unique structure with two very distinct time periods represented. The original structure is a one-story L-plan house of Victorian style. The addition on the west side of the original house is a good representation of midcentury features including flat roofed porch under the main roof form. Flat roof with clustered windows. Two businesses intend to occupy the structure, one in each distinct portion.

- A. The paint colors for both sections should be period appropriate for the style of architecture and in keeping with the historic district. Staff does not recommend approval as presented.

- B. The proposed fencing should not be in line with the front porch of the original section of the house. The current fence location on the east side is as far forward as a fence should be located.
- C. The new dumpster location should be relocated to behind the building, not in such proximity to Main Street.



Certificate of Appropriateness Application

Required for all exterior modifications of historic properties.

City of Fredericksburg

126 W Main St. FBG, TX 78264

e-mail completed applications to ahudson@fbgtx.org

Subject Property Address 416 E MAIN ST. Date Submitted _____

Owner name: Jason Stout/Stout's Pizza Co., LLC Phone # 210.885.9009

Owner Address: 22632 FOSSIL RIDGE San Antonio TX 78261

Authorized Applicant: Keith Smith/Absolute Design Partners Phone # 210.386.0642

Applicant Signature: [Signature] Applicant E-mail: Keith@absolutedesignpartners.com

Applicant certifies that he/she is the Owner or duly authorized agent for the owner of the property. Desired Start Date: 02.13.23

Desired Completion Date: 04.21.23

Please describe the scope of work. Include: materials to be used, how the project will impact the historic structure, and cleaning methods. How will proposed work be in keeping with the character of the property? Are there circumstances or financial hardships which may affect compliance with the ordinance? Submit sufficient description and support documentation so that the project can be understood without talking to you.

Site Work: Add metal fence with gates @ front of building on each side. Also adding small monument sign for each bar similar to the attached.
Building Work: Re-paint exterior per the attached color elevations.
Dumpster: Adding 125 SF of concrete for new Dumpster access.

(attach another sheet if necessary)

Attach supporting documentation including: paint color color photographs site plan elevations & floorplans material specifications. Applications are incomplete without sufficient documentation.

Staff to complete

Application # _____ Year Built: _____
Eligible for Administrative Approval Yes No Zoning: _____
Historic Review Board Meeting Date _____ Application Fee \$10 paid
Survey Rating: High Medium Low HRB Fee \$40 paid

Staff Comments regarding Administrative Approval:

Historic Preservation Officer Signature _____

Certificates of Appropriateness must be displayed on site along with building permits and do not take the place of building permits.







Existing Site Plan



Proposed Site Plan





PROPOSED FRONT ELEVATION
SCALE: $\frac{1}{4}'' = 1'-0''$



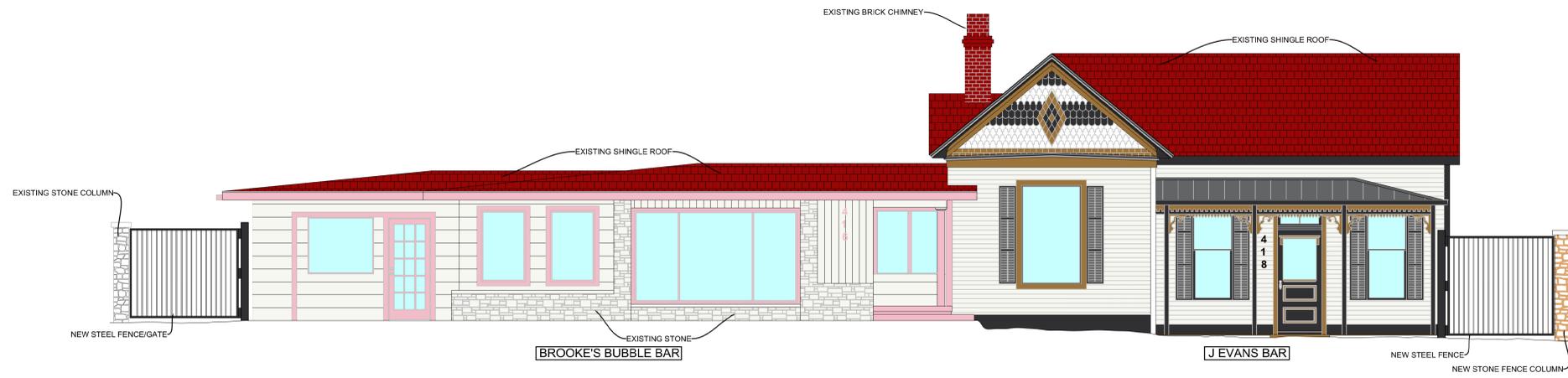
PROPOSED REAR ELEVATION
SCALE: $\frac{1}{4}'' = 1'-0''$



PROPOSED LEFT SIDE ELEVATION
 SCALE: $\frac{1}{4}'' = 1'-0''$



PROPOSED RIGHT SIDE ELEVATION
 SCALE: $\frac{1}{4}'' = 1'-0''$



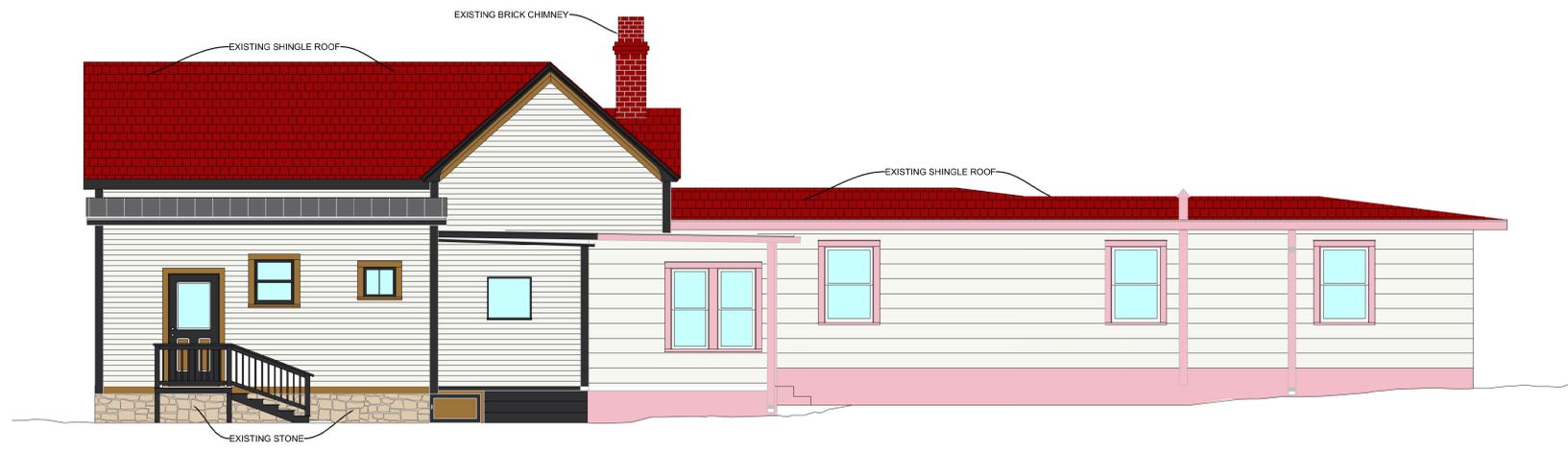
PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED REAR ELEVATION
SCALE: 1/4" = 1'-0"

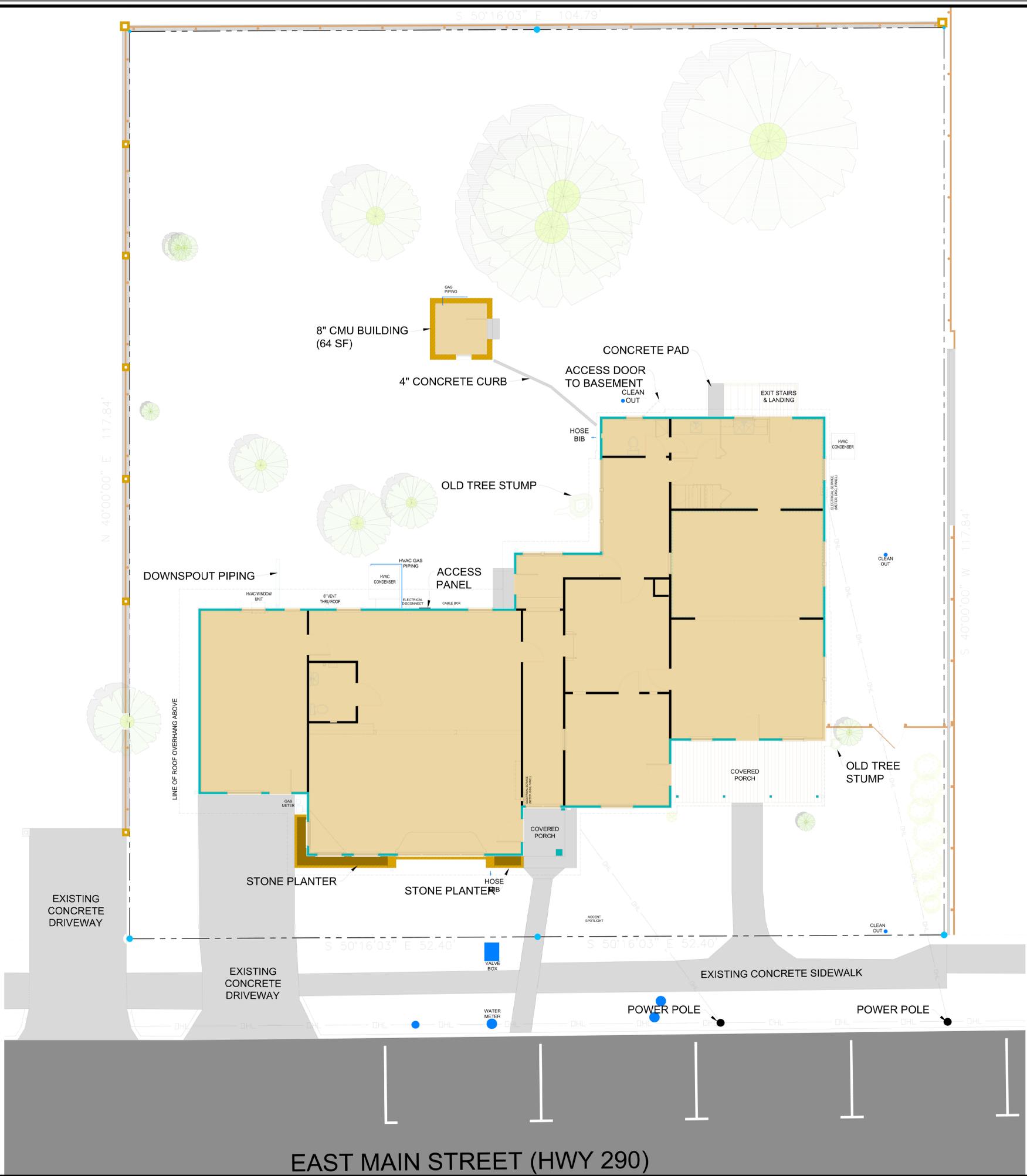
EXISTING MATERIALS

-  EXISTING ASPHALT SHINGLE ROOF
-  EXISTING EXTERIOR STONE @ FRONT FACADE
-  EXISTING EXTERIOR STONE @ SIDE AND REAR CRAWL SPACE
-  EXISTING GALVANIZED METAL ROOF PANELS

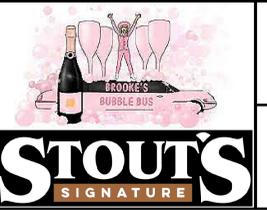
PROPOSED PAINT COLORS

-  PRIMARY FACADE SW 7757 HIGH REFLECTIVE WHITE
-  BROOKE'S BUBBLE BAR TRIM SW 6583 IN THE PINK
-  J EVANS BAR TRIM SW 6398 SCONCE GOLD
-  BLACK TRIM SW 6991 BLACK MAGIC

	416/418 EAST MAIN STREET FREDERICKSBURG, TX	EXISTING EXTERIOR ELEVATIONS
	EXISTING LOT SIZE: 12,349 SF (.28 AC) EXISTING BUILDING: 2,868 SF DATE: DECEMBER 27, 2022 SCALE: 1/4" = 1'-0" PAPER SIZE: 30" x 42"	

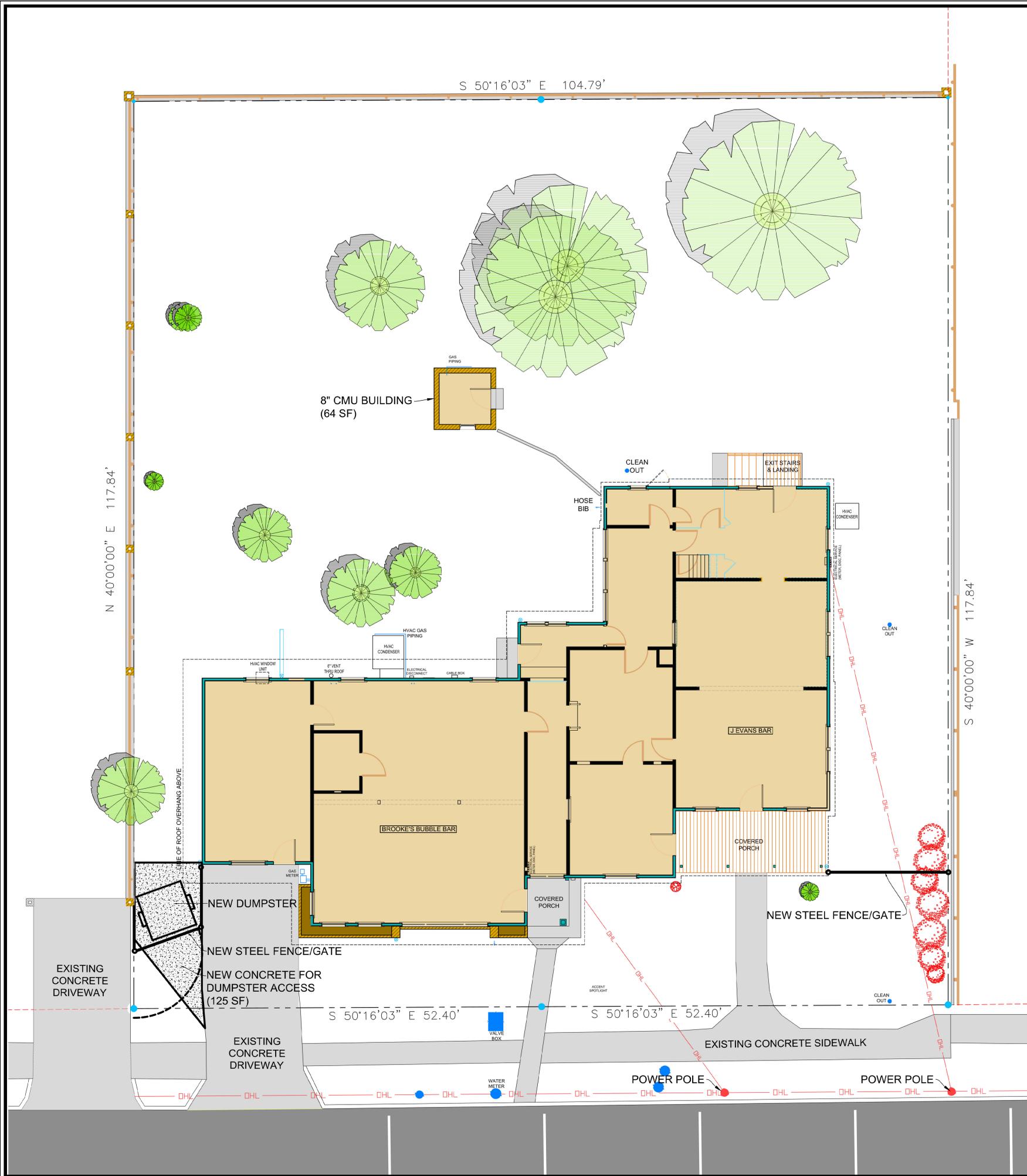


**416 EAST MAIN STREET
FREDERICKSBURG, TX**
 EXISTING LOT SIZE: 12,349 SF (.28 AC)
 EXISTING BUILDING: 2,868 SF
 DATE: OCTOBER 2, 2022
 SCALE: 3/16" = 1'-0"
 PAPER SIZE: 30" x 42"



**EXISTING
SITE PLAN**

**EX-SP
(30x42)**



**416 EAST MAIN STREET
FREDERICKSBURG, TX**
 EXISTING LOT SIZE: 12,349 SF (.28 AC)
 EXISTING BUILDING: 2,868 SF
 DATE: DECEMBER 27, 2022
 SCALE: 3/16" = 1'-0"
 PAPER SIZE: 30" x 42"

**PROPOSED
SITE PLAN**

**PROP-SP
(30x42)**

2. Use the gentlest cleaning method possible to avoid further erosion; do not use a cleaning method that abrades the surface.
3. Prior to application, test all cleaning methods on specimens of the type of metal used on the historic building or structure.
4. Clean metal to remove corrosion prior to repainting or application of other protective coatings.
5. Use sensitive cleaning methods that do not harm the finish or color of soft metal such as copper, lead, and tin.
6. Do not paint historically unfinished metal unless necessary to halt deterioration.
7. If painting metal, apply appropriate paint only after properly cleaning and preparing the surface.
8. If painting metal, use primer as the first coat to help the final coat adhere to the structure. It is also a good idea to mix a little of the finish coat into the primer.
9. Keep all joints soldered or caulked.
10. If necessary, repairing metal features by patching, splicing, or reinforcing the historic material rather than replacing the whole element.
11. Do not adjoin metals that are not physically or chemically compatible, thus causing or accelerating galvanic corrosion. For example, do not adjoin copper to aluminum, tin, or steel.

Additional Resources: Metal Maintenance

- *Preservation Brief 27: The Maintenance and Repair of Architectural Cast Iron*, <https://www.nps.gov/tps/how-to-preserve/briefs/27-cast-iron.htm>

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1. Select colors predominant to the era in which the structure was built, shown in the palettes in **figures G.1—G.4**.
2. Consider restoring historic colors based upon historical, physical, or pictorial evidence or documentation. One way to discover historic paint colors is to gently hand-scrap a small area on the building to get down to the base coat, then wet the surface to get a more accurate picture of how the historic paint colors looked. (For research aides, refer to the “Historical Research Resources” section found in *Appendix H*.)
3. Test chosen colors in patches on the building to see how they reflect light and appear in sunshine, cloudy weather, and at different times of the day, prior to applying the paint to the entire building.
4. Choose paint colors that emphasize character-defining historic features. Use more muted colors on non-historic elements.
5. Be aware that most buildings and structures built before 1950 may have one or more layers of lead-based paint; use precautionary measures whenever removing such paint.

Additional Resources: Paint Maintenance and Palettes

- *Preservation Brief 37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*, <https://www.nps.gov/tps/how-to-preserve/briefs/37-lead-paint-hazards.htm>
- Tania Adams, “Color Palettes to the Rescue,” <https://www.ncptt.nps.gov/blog/color-palettes-to-the-rescue-saving-buildings-from-demolition-2/>



Figure G-1. Sherwin Williams palette of “Heritage Colors,” formulated to match colors available between 1820 and 1920. Source: The Craftsman Blog, accessed May 5, 2020, <https://thecraftsmanblog.com/choosing-exterior-paint-colors-for-your-historic-house/>.



Figure G-2. Victorian palette from the Harrison Brothers and Company, Inc., 1871. Source: Sara McLean, “Then, Now & Forever® - The Victorian Era Color Collection,” Dunn-Edwards Paints, accessed May 5, 2020, <https://www.dunnedwards.com/colors/specs/posts/then-now-and-forever-r-the-victorian-era-color-collection>.



HISTORIC REVIEW BOARD MEMO

DATE: January 10, 2023

TO: Historic Review Board

FROM: Anna Hudson, Historic Preservation Officer/Interim Director of Development Services

SUBJECT: 413 W. Creek – potential demolition by neglect

Background:

A Certificate of Appropriateness was issued in December of 2021 for extensive rehabilitation and new construction. Selective demolition of interior the structure continues to sit vacant in a state of disrepair. Staff will conduct an on-site meeting with the owners, architect, and building official on Monday, January 9, 2023, and will have more information at the Historic Review Board meeting on January 10.

Attachments:

Photos of current conditions.
Demolition by Neglect section of the Historic Preservation Ordinance





Sec. 23-65. - Prevention of demolition by neglect.

(a) Duty to maintain. All historic Resources landmarks and all significant buildings, objects, sites, and structures located in the historic district, shall be preserved against decay, deterioration, and kept free from certain structural defects by the owner thereof or such person, persons, or entities who may have custody or control thereof. Such owners, or other persons shall repair such building, object, site, or structure if it has any of the following defects:

- (1) Deteriorated or inadequate foundations;
- (2) Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety;
- (3) Members of walls or other vertical supports that split lean, list, or buckle due to defective material, workmanship, or deterioration;
- (4) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
- (5) Members of ceilings, roofs, and their support system, or other horizontal members which sag, split, or buckle due to defective material, workmanship, or deterioration;
- (6) Members of ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety;
- (7) Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration;
- (8) Deterioration or defects in paints, coating systems, or flashing resulting in destructive moisture penetration or rot;
- (9) Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

(b) Neglect

(1) Determination of neglect. If the Board upon recommendation or presentation by the Historic Preservation Officer or a building official of the City or his or her designee, makes a determination that a Resource is being demolished or deteriorated by neglect, it shall direct the Historic Preservation Officer to notify the owner or owners of the Resource of this preliminary determination, stating the reasons therefor, and shall give the owner of record 30 days from the date of such notice to correct the defects or present to the Board a plan for remediation if the defect cannot be remedied within such 30 days period.

(2) Subsequent determination. If, within 30 days following such initial determination, the Board shall again determine that the resource is being demolished or deteriorated by neglect, it may direct the Historic Preservation Officer to file a complaint for a violation of a zoning ordinance of the City, against the owner or owners if the necessary repairs are not completed within 90 days of the second determination by the Board that the subject building or structure is being demolished or deteriorated by neglect.

(3) City stabilization. Additionally, the Historic Review Board may direct the Historic Preservation Officer to accomplish the repairs necessary to stabilize and protect the Resource. The City shall then pay therefor, and charge the expenses incurred in doing such work or having such work done or improvements made to the record owner of such Resource. If such work is done or improvements made at the expense of the City, then such expenses shall be assessed as a lien on the real estate, lot or lots upon which such expense was incurred except as prohibited by law. The City, and the City's authorized assistants, employees, contracting agents, or other representatives, are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of completing repairs necessary for the stabilization and repair of a Resource. Any court having jurisdiction over such cases including the municipal court of the City shall have authority to issue all orders necessary to enforce this article. Neither the City nor its employees, agents or contractors shall be answerable in damages or otherwise for damage to property due to the enforcement of this article.

(4) Lien establishment. The City Manager or other person authorized to act on behalf of the City shall file a statement of such expenses incurred by filing the amount of such expenses, the date on which said work was done or improvements made, with the county clerk of Gillespie County, Texas in the Real Property Records of such county. The City shall have a privileged lien on such lot, lots or real estate upon which said work was done or improvements made to secure the expenditures so made. Said lien amount shall bear interest per annum from the date said statement was filed at the greater of the maximum rate published by the state Board of control, or the rate of 10 percent. For any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the City. The statement of expenses so made, as aforesaid, shall be a prima facie proof of the amount expended for such work or improvements.