

CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 5/6/2024

ITEM: I

APPLICANT: Flor E. Alvarenga

PROPERTY ADDRESS: 8530 Glen Valley Drive

LEGAL DESCRIPTION: LT 12 BLK 20 - GLENBROOK VALLEY SEC 6

HISTORIC DISTRICT: Glenbrook Valley Historic District

Project Summary:

- January 2024 - Property was red-tagged for work without a permit.
 - Windows, door, and garage doors were replaced, and the house was re-roofed.
- February 2024 - Applicant applied for COA for work completed.
- March 14, 2024 – HAHC issued a COR for the work completed with the exception that the paint be removed from the home.
- Applicant appealed the HAHC decision in accordance with Chapter 33, Section 33-253 and requested she not be required to remove the paint from the house.

Project Description:

Original, mill-finished aluminum, horizontally oriented 2 over 2, windows were replaced with white, 6 over 6, simulated divided light windows, original wood, coffered 12 panel roll up garage door was replaced, front door replaced, original unpainted masonry was painted.

Basis for the Houston Archaeological and Historic Commission's decision:

- Sec.33-241.1 (1) For an alteration, rehabilitation, or restoration that does not require the removal or replacement of the structural elements, not including the foundation, within 67 percent of the structure:
 - (a) the proposed activity must recognize the building, structure, object or site as a product of its own time and avoid alterations that seek to create an earlier or later appearance; and
 - (b) the proposed activity must match the architectural features, materials, and character of either the existing noncontributing structure or the contributing structures within the context area.

Applicant's Grounds for Appeal:

Per the applicant:

“Hello, good afternoon..my name is Flor Estela Alvarenga..current owner of the house 8530 glen valley dr 77061..the reason for my email is to accept an appeal for the exterior paint of the house..since the property when we were During the purchase process, the previous owners were making details... and well, when I came to live here it was just as it is now... so I would like you to understand me since making a change in the paint would be a financial burden for me and my family... I hope for your understanding, happy afternoon.”

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Documents:

EXHIBIT A:

COA STAFF ACTION REPORT FROM MARCH 14, 2024 HAHC MEETING

EXHIBIT B:

UNOFFICIAL TRANSCRIPT OF MARCH 2024 HAHC DISCUSSION OF THIS ITEM

EXHIBIT C:

311 INVESTIGATOR'S VISIT INFORMATION

EXHIBIT D:

EMAIL DATED MARCH 19, 2024 FROM APPLICANT TO DIRECTOR OF PLANNING

The City of Houston Appeals Process per Ordinance:

Sec. 33-253. – Appeal.

(a) The Historic Preservation Appeals Board ("HPAB") is hereby created. The HPAB shall consist of 5 members and shall consist of two former members of the planning commission, two former members of the HAHC, and one citizen representative that has not served on either commission. Each member shall have extraordinary knowledge and experience in the archaeological, architectural, cultural, social, economic, ethnic or political history of the city, and must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city. Members of the HPAB shall be appointed by the mayor, subject to confirmation by the city council. Each member shall serve for a term of two years and shall hold over until the member's successor is appointed. A member may be appointed to serve consecutive terms. The director, or in his absence or inability to act, a deputy director or assistant director of the department shall serve as a non-voting, ex officio member and as executive secretary to the HPAB. Three members of the HPAB shall constitute a quorum; however, in the event of vacancies on the HPAB, a majority of the members of the HPAB shall constitute a quorum. The HPAB shall elect its own chair and vice-chair. The mayor shall assign a staff member to serve as a liaison between the HPAB and the mayor's office. The HPAB shall adopt rules, procedures, and schedules for meetings as are necessary or convenient to accomplish the purposes of this article, and shall meet as needed when notified by the director of an appeal from a decision of the HAHC.

(b) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the HPAB by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision, or in the case of an application for a certificate of appropriateness for demolition, the notice of appeal may be filed with the director not earlier than 90 days after the denial of a certificate

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of appropriateness by the HAHC as provided for in [section 33-247](#)(f) of this Code and not later than 120 days after the denial by HAHC. The director shall notify the members of the HPAB of the receipt of a notice of appeal and shall schedule a meeting of the HPAB to consider the appeal.

(c) The HPAB shall consider the appeal within 45 days after a notice of appeal is filed with the director. The HPAB shall consider the application, the findings of the HAHC, written comments from the public, and any evidence presented at the meeting at which the appeal is considered. **The HPAB shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificate of appropriateness.** If the HPAB does not make a decision on the appeal within 45 days after a notice of appeal is filed with the director, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting.

(e) An applicant aggrieved by a decision of the HPAB may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of [section 2-2](#) of this Code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the HPAB. The decision of the city council shall be final and exhaust the applicant's administrative remedies.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 2010-814, §§ 5, 27.5, 28, 10-13-2010; Ord. No. 2015-967, § 37, 10-7-2015)

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EXHIBIT A:

COA STAFF ACTION REPORT FROM MARCH 14, 2024 HAHC MEETING

CERTIFICATE OF APPROPRIATENESS

Application Date: Feb. 1, 2024

Applicant: Flor E. Alvarenga, owner

Property: 8530 Glen Valley Drive, Section 6, Lot 12, Block 20, Glenbrook Valley Neighborhood Subdivision. The property includes a historic 1,971 SF, one-story wood single-family residence and garage situated on a 7,700 SF (70' x 100') interior lot.

Significance: Non-contributing Traditional ranch style residence, constructed circa 1958, located in the Glenbrook Valley Historic District.

Proposal: Alteration – Windows

- 311 complaint and building inspector at site, 1/9/2024
 - Unpermitted work for construction
 - Replaced windows, doors, garage doors, and re-roofed
 - A total of 3 red tag notices between 1/2024 to 2/2024 with multiple follow-up visits by inspector, with most recent inspector follow-up on 2/21/2024
- Scope of work includes:
 - Replacement of aluminum windows to vinyl
 - Replacement of garage doors
 - Re-roofing
 - Replacement of front door

Public Comment: No public comment received.

Civic Association: No comment received.

Recommendation: Denial - does not satisfy criteria 1 and issuance of COR for work completed on the windows and garage doors. Applicant to work with staff on proper removal of paint.

HAHC Action: Denied – does not satisfy criteria 1 and issuance of COR for work completed on the windows and garage doors. Applicant to work with staff on proper removal of paint.

CERTIFICATE OF APPROPRIATENESS



PLANNING & DEVELOPMENT DEPARTMENT

Basis for Issuance: Approval

Effective: March 14, 2024

COA valid for two years from effective date. COA is in addition to any other permits or approvals required by municipal, state and federal law. Permit plans must be stamped by Planning & Development Department for COA compliance prior to submitting for building or sign permits. Any revisions to the approved project scope may require a new COA.

APPROVAL CRITERIA

ALTERATIONS TO NONCONTRIBUTING STRUCTURES

Sec. 33-241.1(b): Director shall issue a certificate of appropriateness for the alteration, rehabilitation, or restoration of a non-contributing structure or an addition to a noncontributing structure in an historic district upon finding that the application satisfies the following criteria, as applicable:

S D NA S - satisfies D - does not satisfy NA - not applicable

(1) For an alteration, rehabilitation, or restoration that does not require the removal or replacement of the structural elements, not including the foundation, within 67 percent of the structure:

[X] [] [] (a) The proposed activity must recognize the building, structure, object or site as a product of its own time and avoid alterations that seek to create an earlier or later appearance; and

[] [X] [] (b) The proposed activity must match the architectural features, materials, and character of either the existing noncontributing structure or the contributing structures within the context area.

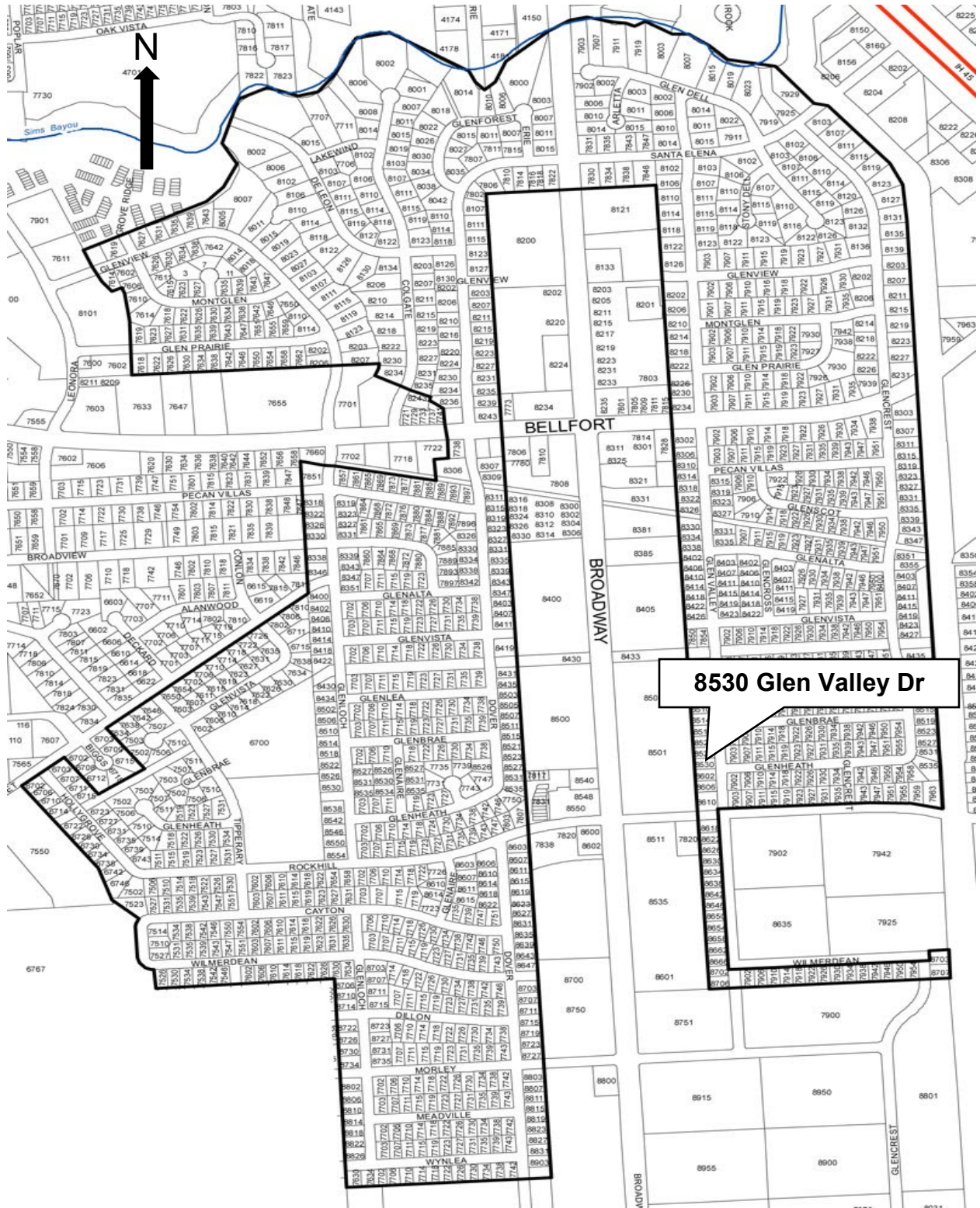
[] [] [X] (2) For an alteration, rehabilitation, or restoration that requires the removal or replacement of the structural elements, not including the foundation, within 67 percent or more of the structure, the director shall refer the application to the HAHC, which shall approve a certificate of appropriateness if the result of the project conforms to the requirements for new construction in a historic district in section 33-242 of this Code.

Sec. 33-240. - Criteria for Issuance of Certificates of Appropriateness—General

- (a) The HAHC shall be the body responsible for approving certificates of appropriateness unless otherwise provided in this article. The HAHC shall review and approve or disapprove a certificate of appropriateness pursuant to:
(b) The applicant for a certificate of appropriateness shall have the burden of demonstrating that the application satisfies the criteria applicable to the issuance of the certificate of appropriateness. To approve or disapprove an application for a certificate of appropriateness, the HAHC shall consider and make findings with respect to the relationship between the proposed activity and the applicable criteria. The HAHC shall take into consideration the current needs of the applicant and shall be sensitive to the property owner's financial condition in determining whether to issue a certificate of appropriateness.
(c) In reviewing applications for certificates of appropriateness under this article, the HAHC or the director, respectively as appropriate, shall also consider any elements of the proposed activity that may be necessary to enable the property to comply with any other applicable city ordinances or state or federal law so as to facilitate compliance with this ordinance and other applicable laws.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 07-855, § 5, 8-1-07; Ord. No. 2010-814, § 25, 10-13-2010; Ord. No. 2015-967, §§ 25, 26, 10-7-2015)

PROPERTY LOCATION



CURRENT PHOTO



AERIAL VIEW OF PROPERTY



CONTEXT AREA



8602 Glen Valley Dr. – contributing



8606 Glen Valley Dr. – contributing



8510 Glen Valley Dr. – non-contributing



8522 Glen Valley Dr. – contributing

FRONT ELEVATION

JAN 2022



PREVIOUS



Original, unpainted brick masonry was painted over.

JAN 2024



CURRENT



FRONT ELEVATION

JAN 2022



PREVIOUS



JAN 2024



CURRENT



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EXHIBIT B:

UNOFFICIAL TRANSCRIPT OF MARCH 2024 HAHC DISCUSSION OF THIS ITEM

Unofficial Transcript for 8530 Glen Valley Drive – March 14, 2024 HAHC

Acting Chair John Cosgrove: The next item on our agenda is 8530 Glen Valley Drive.

Staffperson Samantha de Leon: Good afternoon, Chairperson, members of the Commission. This is staff person Samantha de Leon, again. I submit item C6 at 8530 Glen Valley Drive in the Glenbrook Valley Historic District for your consideration. The 1,971 square foot, one-story traditional ranch style non-contributing property was built circa 1958. On January 9th, 2024 the applicant received a 3-1-1 complaint for construction without a permit or Certificate of Appropriateness. On January 10th, 2024 an inspector observed that that new windows and new garage doors had been installed, the house had been re-roofed and the original unpainted brick had been painted and issued a red tag. Applicant applied for a Certificate of Appropriateness on February 1st, 2024. Staff recommends Denial, as the windows do not satisfy Criteria 1 and an issuance of COR for work completed on the windows and garage doors and for the applicant to work with staff on proper removal of the paint. Chair and members of the Commission, the applicant is here for questions. I'm also available for any questions as well as Staffperson Roman McAllen. This concludes my presentation.

Chair Cosgrove: Thank you. Before I open the public hearing, do any of the commissioners have questions for staff?

Commissioner Stephen McNeil: I have a question what our purview is over non-contributing houses, considering the recent appeals board commission review of our—I don't know which meeting it was. Do you recall last month's or the months before, in Glenbrook Valley, we voted on non-contributing house and we were shot down unanimously for the—for us telling them that they had to conform to historic district guidelines and it was a non-contributing house. So, I'm curious to hear from legal or Roman or Jennifer what exactly how we're supposed to move forward on a non-contributing house in the historic district.

Interim Director Jennifer Ostlind: Thank you, Commissioner. I was not here—present for that meeting, although I did watch part of it, so I'm going to defer to Roman and maybe Ms. Mickelson.

Legal Counsel Kim Mickelson: Yeah, I'll add—I'll jump in first and have Roman add to it. But that's why you have the form that you do before you in the—in the documents today, which are more than non-contributing standards for

administrative approvals granted. But that is an acknowledgement that noncontributing properties are... treated somewhat differently than they are than the contributing structures. So, I'll jump in for staff review comments.

Staffperson Roman McAllen: Commissioner McNiel, would you summarize that question again, please, just make sure I just get it right on point? Or is it—it did come from you, right?

Commissioner McNiel: It did come from me. The summary of the question is the house that had the diamond leaded glass window, the bay window in the front.

Staffperson McAllen: Yeah, right.

Commissioner McNiel: Went to Appeals Commission. The Appeals Commission voted unanimously that that homeowner did not have to is here to HAHC's recommendations because there's a non-contributing house. So given that a precedent set by the Appeals Board, my inclination is to say I don't have any further purview. I don't have any responsibility for a non-contributing house in the district and I'm not sure if I'm reading that accurately or not. And so, I'm looking for assistance—

Staffperson McAllen: Sure.

Commissioner McNiel: —from those of you who do this full time as to what our responsibility is for non-contributing houses in a historic district so that we don't set up a situation where they just go have to come here, and then go to the Appeals Board, and the Appeals Board overturns what we tell them to do.

Staffperson McAllen: Thank you. It—I think that it was also it was kind of a two-part decision of the HPAB this last meeting that they had on that item. And one of them, frankly, was that in the staff report that we brought to you guys—and this is what Legal is referring to—is that we had the 11 Criteria and not the—the 11 criteria of a contributing building really, which is my mistake because I should have caught that staff report and it should have been written with the administrative approval rules. So in what it seemed to me that from the Appeals Board's decision...and I'm not 100% sure of this, but it seems like they were sort of saying it was—it didn't get the right review with HAHC. Legal, would you say—

Legal Counsel Mickelson: I think their part was twofold. It was that you all use the wrong standard, that there should have been the use of the non-contributing structure standard that is contained elsewhere in the ordinance, which you

have in your packet today, which is 3 items. This Commission does have authority over non-contributing structures within historic districts. I want to make that clear. But you treat them differently than contributing structures, which are, at least in theory, more important architecturally, or meet the age guidelines to be considered contributing, etcetera. This is part of the reason—and I think the other part of the problem, both with staff review on the what I'll call it the diamond paned house in Glenbrook Valley—was that it was probably it may have been a house that was old enough to have been considered as a contributing structure at the time, and may have been mislabeled at the time of the district. So, I think staff now...knows that, you know, maybe review of those on an ongoing basis might be helpful, so we can go back to [City] Council to get that change. And it's not a situation where staff or this Commission can say, "oh, that should have been a contributing structure that's wrong and we should consider it as such" because it's an ordinance passed by Council. So we have to go back if we want to reconsider the designation of certain structures as contributing or non-contributing. But you do have some authority. It's just you can't apply necessarily all of the same standards to a non-contributing structure.

Commissioner Ben Koush: But I'm reading this on that same right here—

Commissioner Stephen Curry: —on that subject, Ben, maybe we're saying the same thing—could we look together? Excuse me.

Commissioner Koush: Yeah. Let's read what it says.

Commissioner Curry: At the top of page two. Can we all look at the top of page 2? Ben, was that what you were going where you were going with it?

Commissioner Koush: Yeah. Category A and B I think are exactly what we were talking about.

Commissioner Curry: The top of page two says, "Director shall issue a Certificate of Appropriateness for the alteration, rehabilitation, or restoration of a non-contributing structure in addition to a non-contributing structure in historic district. Upon finding the application satisfies the following criteria as applicable." And AB and 1 and AB and #2. I mean, aren't those the criteria we're to—

Commissioner Koush: Can you—can you read those out loud?

Legal Counsel Mickelson: Yeah. And those are the criteria you're looking at and referencing...excuse me, the directors made the

determination that an administrative approval is not correct. So that's why it's here.

Commissioner Koush: But can we question from criteria—

Commissioner Curry: But to the question from Commissioner McNiel, about whether or not this Commission has purview over non-contributing structures, isn't the answer right here at the top of page two?

Legal Counsel Mickelson: So no, I think we need to look at the ordinance in its overall...trying to give weight and interpretation and validity to all of it. These standards are, as you note, under—and as I think I said initially, they're under the section for administrative approvals. It's the only place that there are administrative approvals for—or excuse me, that there's a separate set of standards for non-conforming structures. I think it's appropriate in the case where there's not an administrative approval possible, because the director has not found them to satisfy those criteria, that then it can come to the Commission.

Commissioner Dominic Yap: As a follow up question, then, let's—I would like to address this particular house more directly than...we've read on page one what was done to the house, or without permits as you say. And then on the second part, on the second page you have a, somebody who mark under one checked off on denial, I guess D, yes and 1A and 1B is denial. And I would like to have more explanation on what is the thought process that went into the denial. If you can specifically tell me why, then I can look at it and say "OK, what is it that the person is in violation right now?"

Staffperson McAllen: So the—you're just asking why do we mark the box that it does not satisfy A and B?

Commissioner Yap: Yeah, it's marked D for a reason. I would like to know that—

Staffperson McAllen: Sure.

Commissioner Yap: —particular reason with reference to this house, not to that past diamond shaped house, but to this particular house.

Staffperson McAllen: Sure. So the A), being then that the proposed activity must recognize the building as a product of its own time and avoid alterations that to seek an earlier or later appearance. Actually, that one in retrospect not checking it, that could have been satisfied. They're not trying to change to a different appearance, but B), the proposed activity must match the architectural

features, materials and character of either the existing non-contributing structure or contributing structures within the context area. That's definitely easy to say that one does not satisfy because the installation of the windows don't match the original style of the house, as well as the homes in the context area. In retrospect, looking at this report, we might have been able to check A) as satisfies because they're not trying, they're not seeking to create an earlier or later appearance, at least I don't see where that gets there. But that said the answer to that.

Commissioner Yap: Well, thank you because that was what I was driving at. So, I don't believe 1A should be a D, but yes on 2—1B, the D, because of the change of materials in this case, right?

Staffperson McAllen: Right.

Commissioner Yap: So, in the being a vinyl windows and a door that may not be appropriate, and garage doors that may not be appropriate.

Commissioner Curry: Paint, paint, paint.

Commissioner Yap: And painting as well. So, this I think we have a purview, we clearly have a purview on this and I think, basically we should be what—that's what we're voting, on whether this person— and on top of that did it without any permits.

Staffperson McAllen: The other—and the reason for our recommendation though does—and then we've brought this into your attention before and that is that Section 33-240-B. And that is the consideration of the sense of being sensitive to the property owner's financial conditioning, a condition, sorry, in determining whether to issue a C of A.

Commissioner Koush: And that we have this problem all the time and we don't have a way to evaluate their financial situation. And I asked this every single time we bring it up and we just shrug our shoulders and say “you just have to believe me,” but we don't know how much money they have or don't have. We know that they spent money to do these things. But I don't see how we can evaluate their financial situation without some sort of objective criteria.

Acting Chair Cosgrove: Can I ask a question? Does the—I know in other historic preservation ordinances for undue hardship, there are certain requirements. Does our ordinance have that? I know with demolition it does, but I'm not 100% sure about our itemized things.

Legal Counsel Mickelson: Right.

Acting Chair Cosgrove: Because I know there's a whole process that you have to submit that financial information.

Legal Counsel Mickelson: Correct. And our ordinance is not specific. I will add on both of these points briefly. We have started with staff to look at Chapter 33 holistically to address procedural issues from the Powell decision and also some of these other issues to separate out and then make clearer for you all the standards for non-contributing structures in particular. I don't know if staff is ready to tackle yet some of the other, including financial hardship issues but we met two weeks ago to start working on that on overall some of the, again, primarily procedural issues but we're looking at trying to clarify some areas as well. Not change things substantively but yeah.

Commissioner David Bucek: This is Commissioner Bucek.

Commissioner McNiel: Commissioner Koush—sorry to who I ever I just interrupted—in that, that issues of financial hardship only seem to come up before this Commission in a situation when they've spent all their money on doing projects without permits and without permission from this Commission. And they come back to us and ask for forgiveness and say, “well, I'm have a financial hardship because I can't afford to redo them the second time it.” Whereas, if they'd follow the rules and guidelines of the historic district, then they would have done it correct the first time. They would have had plenty of money to do it correct the first time.

Acting Chair Cosgrove: Correct.

Commissioner Bucek: This is Commissioner Bucek—

Acting Chair Cosgrove: It says right there in the [inaudible] I believe you can't create your own hardship, right? If I recall reading that.

Legal Counsel Mickelson: Yes.

Commissioner McNiel: Commissioner Bucek wants—

Legal Counsel Mickelson: I was going to say Commissioner.

Commissioner Yap: Yeah.

Commissioner Bucek: Commissioner Bucek. I would like to ask a question of Commissioner Curry as Chair of the Window Subcommittee, because for this project and the previous project discussed, at least with the previous

project discussed, there was a statement made by the applicant that there are no aluminum windows that are available for use in Glenbrook Valley. And that is not what I recall in our most recent conversation of the subcommittee. And I was just wondering if, Mr. Curry, at least for the record, if these projects are going before the Appeals Board and they are going to be examining the information discussed in our meeting, for the purpose of that, can you at least reveal your current understanding of what is available? That would be acceptable both for contributing and non-contributing use. But that's my question.

Commissioner Curry: Thank you, Commissioner Bucek. Because someone comes here and says that they haven't found aluminum windows for replacement of their original aluminum windows doesn't mean that there aren't aluminum windows in production that are available. So, we're updating the resource guide for manufacturers who currently are making aluminum windows, which are much closer in profile and appearance to, in every way, to the original materials that are constantly before us for replacement. And I'll add, at this opportunity, that there are other options as well. Original windows can be repaired where there functionally problematic, and as I've mentioned, there are other solutions to which don't require the replacement of the windows. And both of those other options, repair and interior modifications, circumvent the issue of the appearance of these contributing properties, non-contributing properties in districts and individual landmarks.

Commissioner Bucek: Thank you, Mr. Curry. And I know that there was, there was an actual window aluminum window repair workshop that was overseen by our staff in Glenbrook Valley.

Commissioner Curry: Yes.

Commissioner Bucek: And I believe there's a video of that online.

Commissioner Curry: There was a workshop and there was a presentation specific to Glenbrook Valley in one of the neighborhood churches at the celebration of the 10th anniversary of the district, of Glenbrook Valley becoming a district about two years ago now. And the Committee will update the resource guide to the staff shortly so that it'll be as current as possible.

Acting Chair Cosgrove: OK. I think maybe—

Commissioner Yap: Mr. Chair can can—is anybody signed up to speak on this?

Acting Chair Cosgrove: That's what I was going to—

Commissioner Yap: Oh OK, thank you.

Acting Chair Cosgrove: I was going to open the public hearing and table our discussion till maybe after we hear from the applicant who is signed up to speak, Flor Alvarenga. Are they present? ...

Staffperson de Leon: If you need any help, reach out to me. Thank you...

Applicant Flor Alvarenga: Hi.

Acting Chair Cosgrove: Hi. Thank you for coming. Can you please state your name for the record?

Applicant Alvarenga: My name is Flor Alvarenga. (in Spanish) *He is my translator.*

Acting Chair Cosgrove: How you doing? Hi, Thank you for coming.

Translator: We're with whatever question you have.

Acting Chair Cosgrove: Does anybody have a question for the applicant?

Commissioner Yap: I would like to know whether you are aware that to do the work that you plan to do, there were supposed to be applications that you have to go through before doing the work.

Translator: *He said they want to know if you knew we needed an application to do the work.*

Applicant Alvarenga: *Well, when we bought the house, right before we moved in, the previous owners were already working on the house, and I didn't know. And I didn't know it was a historic neighborhood.*

Translator: She said whenever he do the time to buy the house, I think the owner before he was the one who started do changing of the windows and do all the work and she don't know she was a historic home in there.

Commissioner Yap: OK, thank you.

Acting Chair Cosgrove: Any other questions for the applicant?

Commissioner Koush: How—

Acting Chair Cosgrove: Commissioner Koush.

Commissioner Koush: How long have you owned the property?

Translator: *How long has it been since you've bought the house?*

Applicant Alvarenga: *Four months? Four.*

Translator: Four months.

Acting Chair Cosgrove: So the work was done prior to you owning the property? Or did you...No?

Commissioner Curry: Was the work done before she owned the property by the other previous owner or no?

Translator: I don't hear what you're saying.

Commissioner Ann Collum: Mr. Chair, [Commissioner] Collum. No.

Translator: No he didn't. The guy he was doing the other the window.

Staffperson de Leon: OK, if you want to say that.

Translator: The other one, he was the one he do other windows.

Commissioner Collum: So how long has she been there?

Acting Chair Cosgrove: Hold on please, Commissioner, Collum one second.

Translator: Two months in December, no?

Applicant Alvarenga: *December.*

Translator: In December.

Acting Chair Cosgrove: So you purchased the house in December of 23.

Commissioner Collum: OK, so, HCAD shows that it changed ownership in October of 23.

Commissioner Curry: So fourth quarter 23...

Acting Chair Cosgrove: I mean, I'm not sure that's germane to this conversation. I think we need to evaluate the property based on its—

Legal Counsel Mickelson: The issue before you all is not really when the property changed ownership, even who did it. You've got the question before you, is this appropriate for this non-contributing structure or not?

Staffperson de Leon: She wanted to get some clarifications. They bought the house in October but the—they did not move in until, yeah, December.

Commissioner McNiel: And so who installed the new windows and who painted the brick?

Translator: I think the owner before. He's hired somebody to install the window and paint the house so. The owner hired someone right?

Applicant Alvarenga: Yes.

Staffperson de Leon: So they're stating that the previous owner is the one that did the work that was changed.

Commissioner Koush: So we don't—

Commissioner Collum: I don't belong to that. A flipper had it .

Commissioner Koush: So we don't know when the work was done.

Commissioner McNiel: No.

Commissioner Koush: So because this picture says January 2024 but that's not when it was done.

Staffperson de Leon: Correct. This is when the 3-1-1 complaint was filed and when the inspector went to go visit, correct.

Acting Chair Cosgrove: So we don't know when the work was done.

Commissioner Koush: So the work, we don't know when it was done, it was done sometime between January 2022, sometime within the last two years.

Commissioner McNiel: Correct.

Staffperson de Leon: Correct. It was just that—this house was—again, that 3-1-1 complaint was made. It's unclear, you know from the report from the 3-1-1 investigator whether or not if the work was done in January, it was just discovered and reported.

Commissioner Yap: Samantha, can I offer some assistance here as well? Was this house purchased through HAR or did she made a private purchase to a buyer directly? A seller directly?

Staffperson de Leon: *When you bought the house...*

Translator: Through a friend.

Staffperson de Leon: They did it through a friend.

Commissioner Yap: They did it through the open market, right?

Staffperson de Leon: No, through a friend. They did not go through a realtor or through HAR, no. No sir.

Commissioner Yap: OK, So what I would like to know is, does she have any photos of the house when she bought the house

that this thing already existed when she bought the house?

Translator: Yes. Yes, I think so. I think so.

Commissioner Yap: I'm trying to ascertain because if it is something that we can see, that means that was done by the flipper and not necessarily by—I don't know who's the old—

Acting Chair Cosgrove: But it doesn't—

Legal Counsel Mickelson: It doesn't matter.

Acting Chair Cosgrove: It doesn't factor into our decision today what the ownership history of the property is.

Legal Counsel Mickelson: Right.

Acting Chair Cosgrove: We need to evaluate the application that's in front of us based on the merits and the ordinance and how—

Legal Counsel Mickelson: This is what's before you today. This was done at some point.

Acting Chair Cosgrove: We're kind of sliding off track here. We need to just look, we've got an application in front of us for a COR for the windows that were replaced without a permit or C of A, and we need to evaluate it solely on that and the ownership history of the property or who did it and when it was done. It's not as important.

Commissioner Yap: Well, I beg to defer because if the job was not done by her and she did not do it unpermitted herself, then I could be more lenient because now she fell into it, as opposed—she did not dig the hole, she fell into the hole. So to me, I would react differently compared to she willfully did it without permission, if you will. So that's my comment.

Acting Chair Cosgrove: No, no, I understand, yeah.

Commissioner Bucek: This is Commission Bucek—

Commissioner McNeil: I would agree as well with Commissioner Yap and that if this woman bought a house that was, that had the brick painted and new windows in October of 23 and she moved in and she was not responsible for any of the work, then I would not go penalize her. So I don't, you know, I don't know if we defer to try to find out when or what, but I'm not—we have had other people who have painted brick that we have said to them, "hey, you have to remove all the paint off the brick." But if she didn't paint the brick, I don't know why she should be responsible. Even though it

is incorrect for the neighborhood. I don't know how to solve it.

Commissioner Bucek: Commissioner Bucek. I would—I would just like to state though, our role at this Commission is to represent the resource and for this resource to be here when we are gone. And many times, the advice has been they need to go back and sue or get the people who did their work before because didn't follow the procedure. So I just want to be careful. We have made concessions for certain folks, like their house burned down or they're in a wheelchair and they need to add an elevator, historically. But I want to say that again, it's the resource that we're here to evaluate and to evaluate staff's recommendation. That's just my two cents. And I will—let's see what happens with the commission's thinking.

Staffperson de Leon: Staff person de Leon, just wanted to make a comment that she did confirm to me that when she bought the house, it was already painted.

Acting Chairperson Cosgrove: OK, thank you. Any more questions for the applicant? Thank you for coming. You can take a seat. Any comments, questions for staff, motions?

Commissioner Shantel Blakely: This is Commissioner Blakely.

Acting Chairperson Cosgrove: Go ahead.

Commissioner Blakely: So I just, I'm trying to wrap my mind around this. So we have a non-conforming house that is in violation of one of three criteria for non-conforming structures. And the we have someone who purchased the house after, apparently after the deeds were already done. So, we don't seem to be in a position to—I feel, I feel that those two things together, like either one of them might be downplayed, but taken together it feels sort of pointless to penalize someone who was hoodwinked for the change to a non-conforming structure given how it pans out in the criteria. Even though I do feel it's too bad that this—these acts were done. I'm also torn because I'm not sure that it would be worth the harm that would be done to try to make a statement on behalf of this non-conforming house that was non-conforming in the first place. That wasn't really question, just comment.

Commissioner Bucek: Commissioner Bucek. Well, staff has made a recommendation. I mean, Roman, can you restate your recommendation for this project?

Staffperson McAllen: Commissioner, Samantha's right here. I'll let her read it through. She's right here. Thank you.

Staffperson de Leon: So staff recommends to—staff recommends denial as the windows do not satisfy Criteria 1 and issuance of a COR for work completed on the windows and garage doors and for the applicant to work with staff on proper removal of the paint.

Commissioner Bucek: So, if I'm if I just to take this one step further, while you don't approve of the replacement of the windows, you're not asking the applicant to change the windows.

Staffperson de Leon: Correct, yes sir.

Commissioner Bucek: But you are asking the applicant to remove the paint as we have asked other applicants to do.

Staffperson de Leon: Correct.

Commissioner Bucek: And that is your—that is what—that is the ask that is being discussed in terms of what the remedy is from this position of staff.

Staffperson de Leon: Yes, correct.

Commissioner Bucek: Thank you.

Commissioner Koush: I think, I mean since it clearly violates category 1B for non-contributing structures, I feel like we should go with staff recommendation and then they want to appeal it, they could appeal it.

Acting Chair Cosgrove: I mean that is that a motion?

Commissioner Koush: Yes.

Commissioner Curry: Curry seconds.

Commissioner Koush: So, Commissioner Koush makes a motion to accept staff recommendation, Commissioner Curry seconds. All in—

Commissioner Yap: So, for clarification before we go to the vote. So basically, the staff is OK with not replacing the windows again with aluminum, not replacing the garage door, not replacing the front door again. The staff is just making a recommendation just to remove paint. Is that correct?

Staffperson de Leon: Correct.

Commissioner Yap: Thank you.

Acting Chair Cosgrove: All in favor?

Commissioners: Aye, aye.

Acting Chair Cosgrove: All opposed?

Commissioner Yap: Yap opposes.

Commissioner McNiel: McNiel opposes.

Acting Chair Cosgrove: McNiel and Yap opposes, the motion carries.

Commissioner Collum: I abstain.

Acting Chair Cosgrove: Commissioner Collum abstains.

Commissioner Blakely: I believe the—Blakely also abstains.

Acting Chair Cosgrove: Commissioner Blakely abstains.

Commissioner Koush: Yeah, what's the policy on abstentions?

Commissioner Yap: I thought it's yes or no.

Acting Chair Cosgrove: Defer to Kim.

Legal Counsel Mickelson: So, for abstentions, you should abstain if you're—you have either a financial or real estate interest. Since Commissioner Colum lives in the area, I understand that abstention. But Commissioner Blakely?

Commissioner Blakely: OK, no, I do not have any sort of conflict of interest, so I should just say opposed.

Legal Counsel Mickelson: OK...thank you.

Acting Chair Cosgrove: OK, thank you.

Commissioner Curry: Could you confirm if the motion carries?

Acting Chair Cosgrove: The motion carries.

Commissioner Curry: Thank you.

CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 5/6/2024

ITEM: I

APPLICANT: Flor E. Alvarenga

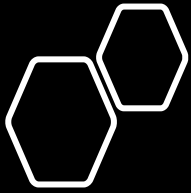
PROPERTY ADDRESS: 8530 Glen Valley Drive

LEGAL DESCRIPTION: LT 12 BLK 20 - GLENBROOK VALLEY SEC 6

HISTORIC DISTRICT: Glenbrook Valley Historic District

EXHIBIT C:

311 INVESTIGATOR'S VISIT INFORMATION



8530 GLEN
VALLEY DR
1ST NOTICE
PJ#24002765

Investigation
Inspector I56
Date:01/10/24





JAN 2022



JAN 2024





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JAN 2022



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8530







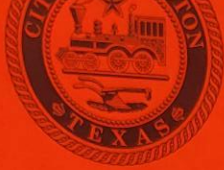
8530



TECL 24433
TECL 18627



8530



CITY OF HOUSTON CODE ENFORCEMENT

Planning and Development Services Division
Public Works and Engineering Department

**DO NOT REMOVE THIS NOTICE
STOP ALL UNPERMITTED WORK**

Address: 8530 Glen Valley Dr
Pst # 24002765

AS PER SECTION 114.1 OF THE CITY OF HOUSTON BUILDING CODE: IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION TO ERECT, CONSTRUCT, ALTER, EXTEND, REPAIR, MOVE, REMOVE, DEMOLISH OR OCCUPY ANY BUILDING, STRUCTURE OR EQUIPMENT REGULATED BY THIS CODE, OR CAUSE SAME TO BE DONE, IN CONFLICT WITH OR IN VIOLATION OF ANY OF THE PROVISIONS OF THIS CODE.

NOTICE OF UNPERMITTED WORK:

MUST Obtain Required
Permit For Unpermitted
Work (structural)
(New Doors & Window)

NOTICE TO OBTAIN BUILDING PERMITS AND INSPECTIONS. FAILURE TO COMPLY MAY RESULT IN CITATIONS BEING ISSUED WITH A MINIMUM FINE OF \$500.00 TO \$2,000.00 PER INCIDENT.

De acuerdo con la sección 114.1 del código de edificación de la Ciudad de Houston: Será ilegal para cualquier persona, firma o corporación erigir, construir, alterar, ampliar, reparar, mover, quitar, demoler, o ocupar cualquier estructura o equipo de un edificio regulado(a) por este código, o causar que lo mismo sea hecho, en conflicto con o en violación de cualquiera de las provisiones de este código.

Este es un aviso para obtener permisos de edificación (construcción) e inspecciones. El incumplimiento puede resultar en multas mínimas de \$500 a \$2000 por incidente.

CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 5/6/2024

ITEM: I

APPLICANT: Flor E. Alvarenga

PROPERTY ADDRESS: 8530 Glen Valley Drive

LEGAL DESCRIPTION: LT 12 BLK 20 - GLENBROOK VALLEY SEC 6

HISTORIC DISTRICT: Glenbrook Valley Historic District

EXHIBIT D:

EMAIL DATED MARCH 19, 2024 FROM APPLICANT TO DIRECTOR OF PLANNING

From: [McAllen, Roman - PD](#)
To: [de Leon, Samantha - PD](#)
Cc: [Ostlind, Jennifer - PD](#)
Subject: FW: 8530 glen valley dr 77061
Date: Wednesday, March 20, 2024 9:50:06 AM

Samantha, I think you already knew her request to appeal was for forthcoming. We talked about the applicant's necessary next steps: sign, etc.

From: Ostlind, Jennifer - PD <Jennifer.Ostlind@houstontx.gov>
Sent: Tuesday, March 19, 2024 4:32 PM
To: 'Flor Lemus' <fl6464286@gmail.com>
Cc: McAllen, Roman - PD <Roman.McAllen@houstontx.gov>
Subject: RE: 8530 glen valley dr 77061

Ms. Lemus,

Thank you for writing to request an appeal of the HAHC decision regarding your house at the address listed above. I'm forwarding your request to Roman McAllen, Historic Preservation Officer. Mr. McAllen or someone on his team will contact you soon with details and next steps.

Sincerely,

Jennifer Ostlind, AICP
Planning and Development Department
832.393.6569

From: Flor Lemus <fl6464286@gmail.com>
Sent: Tuesday, March 19, 2024 4:09 PM
To: Ostlind, Jennifer - PD <Jennifer.Ostlind@houstontx.gov>
Subject: Hi..

[This message came from outside the City of Houston email system. Please be careful while clicking links, opening attachments, or replying to this email.]

Hello, good afternoon..my name is Flor Estela Alvarenga..current owner of the house 8530 glen valley dr 77061..the reason for my email is to accept an appeal for the exterior paint of the house..since the property when we were During the purchase process, the previous owners were making details... and well, when I came to live here it was just as it is now... so I would like you to understand me since making a change in the paint would be a financial burden for me and my family... I hope for your understanding, happy afternoon