

CERTIFICATE OF APPROPRIATENESS

Application Date: August 4, 2014

Applicant: Ali Afshari, builder, for Hossein Taghizadeh, Persepolis Homes, LLC, owner

Property: 1226 Heights Boulevard, Lot 19, Block 187, Houston Heights Subdivision. The property is a vacant 7,500 square foot (50' x 150') interior lot. Currently, the new two-story house approved by HAHC in July 2013 is partially completed.

Significance: The property is a vacant lot located in the Houston Heights Historic District East.

Proposal: New Construction – Revision to COA for New Construction that was approved in July 2013.

In December 2013, city staff became aware that the partially constructed house (framing and foundation only at that time – see p. 18) was built 2.2' forward of the approved location, which would put the front porch over the required 25' front building line when completed. A 25' front setback is required on Heights Blvd, which is a Major Thoroughfare. The error occurred because the construction crew measured the 25' front building line from a fence on the property instead of from the actual property line.

Despite numerous warnings that a variance and/or a revised COA would be needed if the situation was not corrected, the applicants continued to build. In July 2014, they applied for a front building line variance that was denied by Planning Commission. The applicant is now requesting approval from HAHC of one of the following options:

- 1) Reduce porch depth from 6' to 3'-8" so as not to extend past the required 25' building setback line; or
- 2) Reduce front setback from 25' to 22.8'. If HAHC approves the reduced setback, the Planning Commission must approve their variance request.

See enclosed application materials and detailed project description on p. 3-23 for further details.

Public Comment: Two in favor of either proposal, Two in favor of Option #2, One opposed to both options. See Attachment A.

Civic Association: No comment received.

Recommendation: Denial - does not satisfy criteria

Staff recommends denial of Options #1 and #2.

HAHC Action: Denied

APPROVAL CRITERIA

NEW CONSTRUCTION IN A HISTORIC DISTRICT

Sec. 33-242: HAHC shall issue a certificate of appropriateness for new construction in a historic district upon finding that the application satisfies the following criteria:

S D NA

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

- ☐ ☒ ☐ (1) The new construction must match the typical setbacks of existing contributing structures in the historic district
- OPTION #2 does not meet this Criterion. All contributing buildings on this block of Heights Blvd are located at or behind the required 25' building line (see p.17). Encroaching on the 25' building line would put this structure out of line with the other contributing structures on this block of Heights Blvd, including the neighboring contributing historic residence at 1230 Heights Blvd.*
- Next door is a noncontributing building that is built well within the required 25' setback. This existing nonconformance should not be used as justification for a reduced setback for 1226 Heights Blvd. This noncontributing building could be demolished at any time and new construction would be required to be set back 25'. Also, Criterion 1 requires new construction to match typical setbacks of existing contributing structures. Noncontributing structures are not considered.*
- ☐ ☒ ☐ (2) The exterior features of new construction must be compatible with the exterior features of existing contributing structures in the historic district
- OPTION #1 does not meet this Criterion. The proposed reduced porch depth of 3'-8" is not functional or typical to the district. Contributing historic houses in the Houston Heights Historic District East feature functional porches with depths of at least 6'-0". A porch with a depth less than 6'-0" would not be functional and therefore not typical.*
- ☒ ☐ ☐ (3) The proportions of the new construction, including width and roofline, must be compatible with the typical proportions of existing contributing structures and objects in the historic district
- ☒ ☐ ☐ (4) The height of the eaves of a new construction intended for use for residential purposes must not be taller than the typical height of the eaves of existing contributing structures used for residential purposes in the historic district; and
- ☐ ☐ ☒ (5) The height of new construction intended for use for commercial purposes must not be taller than the typical height of the existing structures used for commercial purposes in the historic district.

TIMELINE

- 07-17-2013: New Construction approved by HAHC for 1226 Heights Blvd with 25' front building line.
- 10-18-2013: Building permit issued for the new construction.
- 12-30-2013: Photos taken that show house may have been forward of approved location (too close to street).
- 01-2014: Designer called Planning Department stating that house was forward of approved location.
- 01-30-2014: Public Works posted a notice to stop all unpermitted work and requested a forms survey.
- 02-12-2014: Development Services notified designer not to proceed with further construction.
- 02-21-2014: Applicant met with Planning Staff, who indicated that a front setback variance was necessary to resolve the issue if the house frame and foundation were not moved to the correct location. Staff suggested that work be stopped until a revised COA or variance request was granted.
- 04-03-2014: Development Services recommended to the applicants that they apply for and receive a building line variance before continuing work, since denial at the Planning Commission could cause major alterations to the project.
- 05-30-2014: Applicant submitted an accurate forms survey to Planning. Earlier submissions had all been incorrect.
- 07-10-2014: The applicants' variance request for a reduced front building line was denied by Planning Commission.
- 08-04-2014: COA application received.

The applicants state that the error occurred because their construction crew measured the required 25' not from the actual property line but from a fence at the front of the property. The applicants disregarded the numerous suggestions made over several months by Planning and PWE staff to obtain either a front building line variance or revised COA before continuing work on the house, as denial of either would require the house to be moved back to the approved location behind the 25' building line. At this time, the house is almost entirely complete, except for the front porch, which is the portion that would extend over the 25' front building line.

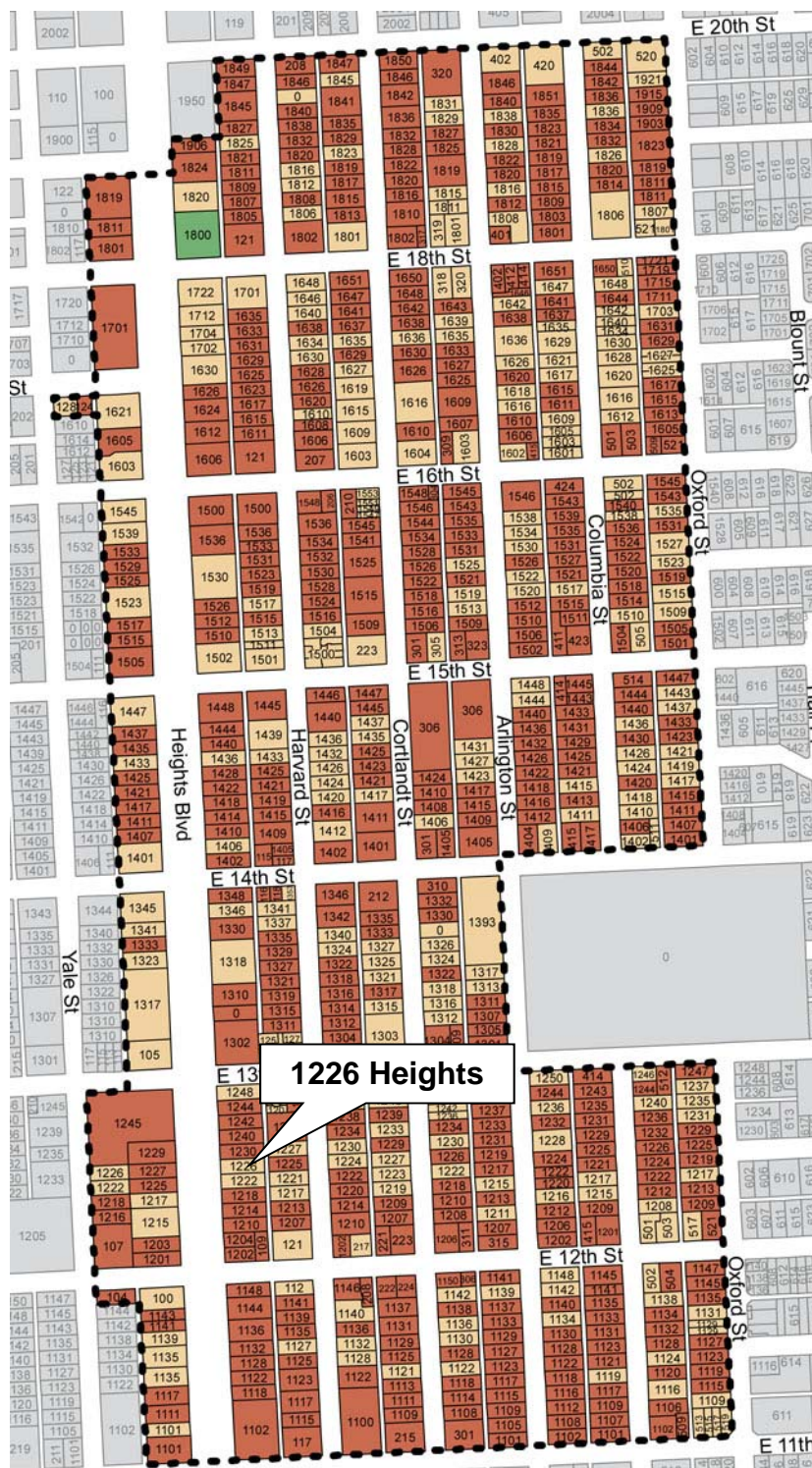
PROPERTY LOCATION

HOUSTON HEIGHTS EAST HISTORIC DISTRICT



Building Classification

- Contributing
- Non-Contributing
- Park



INVENTORY PHOTO



CURRENT PHOTO



PROPERTIES ALONG EAST SIDE HEIGHTS BOULEVARD



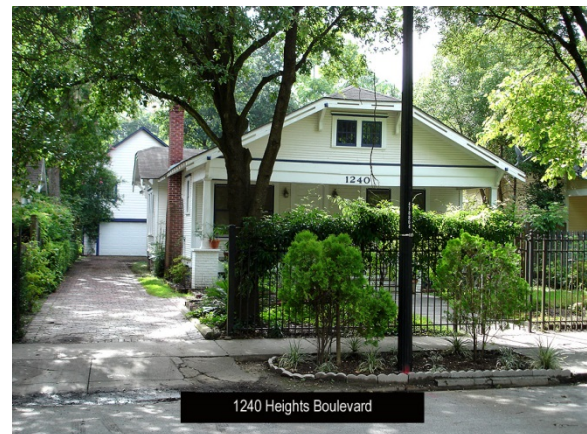
1248 Heights – Noncontributing – 1955



1244 Heights – Contributing – 1920



1242 Heights – Contributing – 1925



1240 Heights – Contributing – 1920



1230 Heights – Contributing – 1920 (neighbor)



1226 Heights – Subject Site

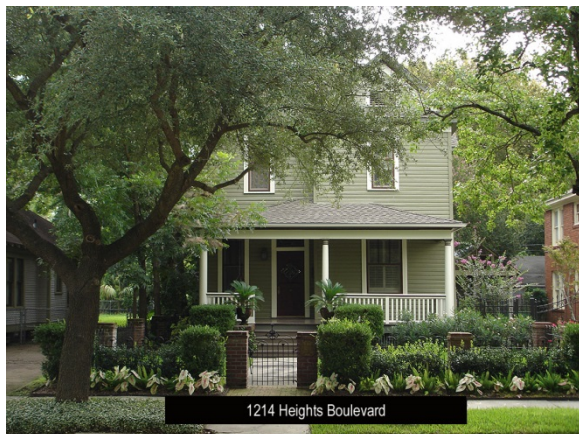
PROPERTIES ALONG EAST SIDE HEIGHTS BOULEVARD



1222 Heights – Noncontributing – 1964 (neighbor)



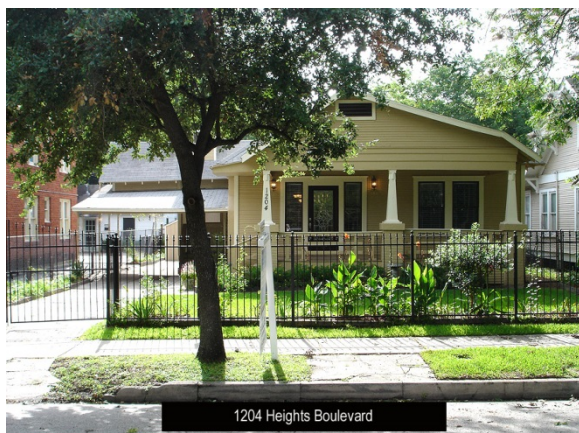
1218 Heights – Contributing – 1920



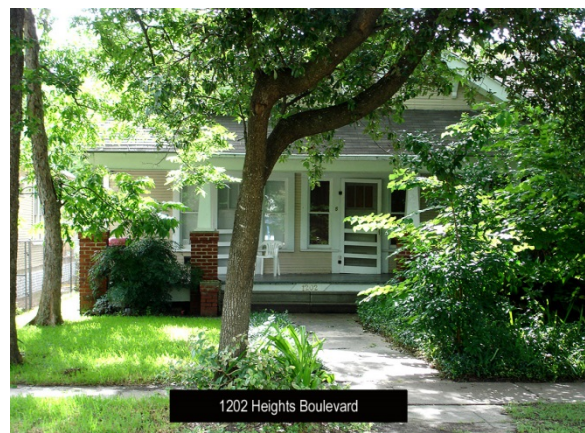
1214 Heights – Contributing – 1905



1210 Heights – Contributing – 1930



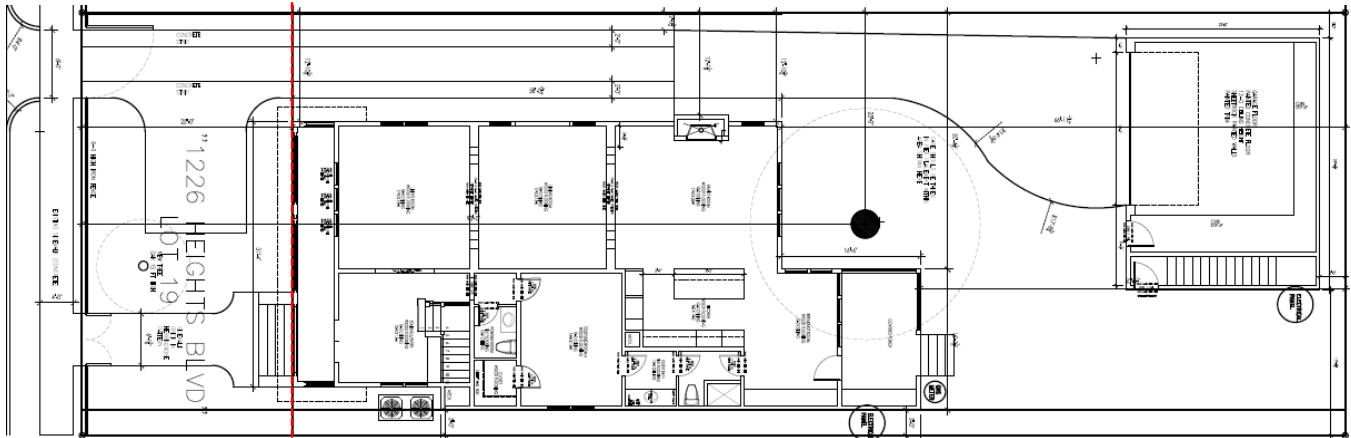
1204 Heights – Contributing – 1920



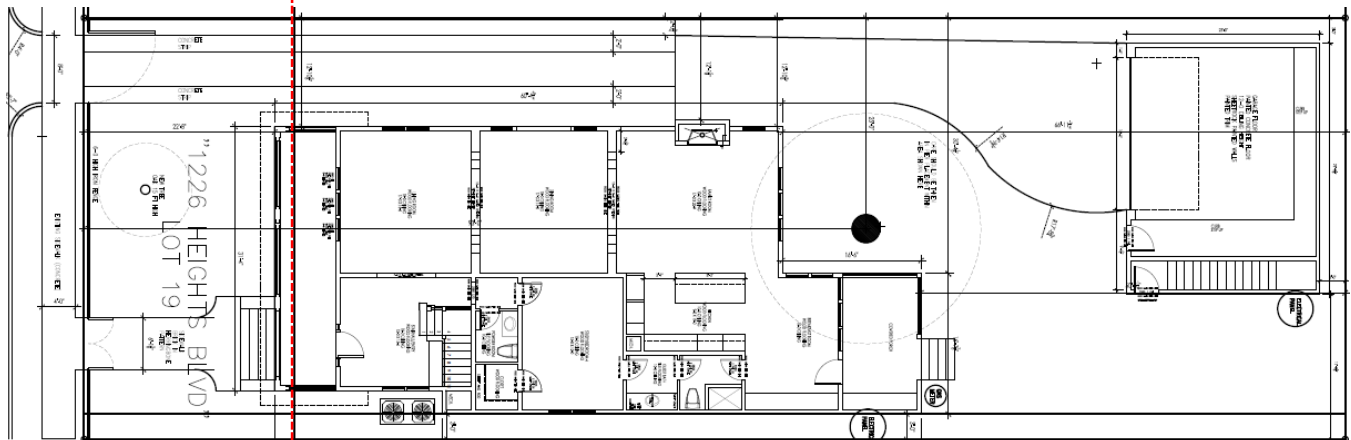
1202 Heights – Contributing – 1920

PORCH LOCATION

AS APPROVED (JULY 2013)



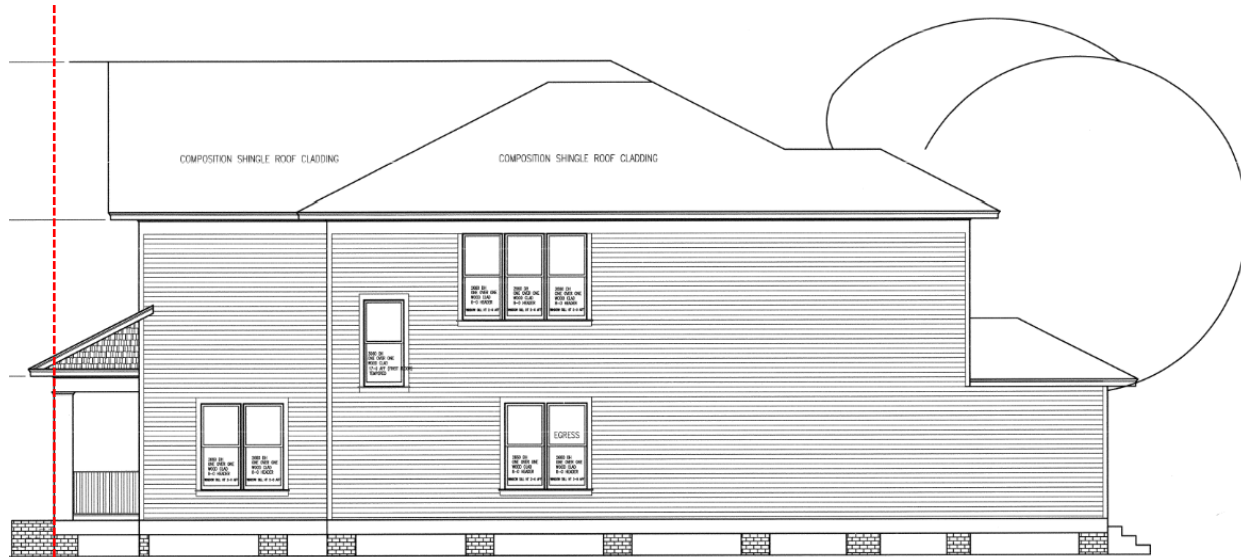
AS BUILT (CURRENT CONDITION)



25' Building Line

PORCH ELEVATIONS (SOUTH)

AS APPROVED (JULY 2013)



AS BUILT (CURRENT CONDITION)



25' Building Line

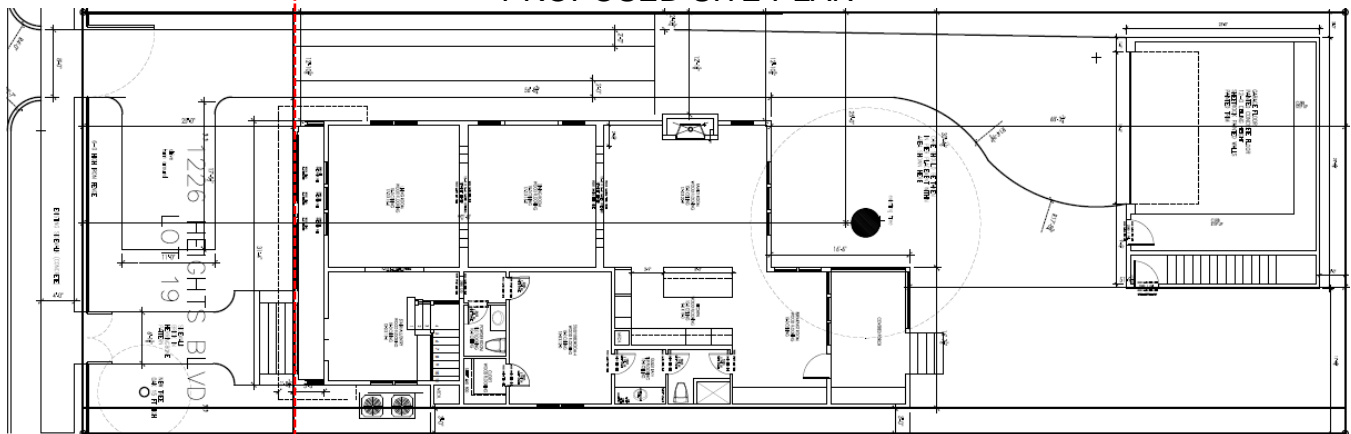
OPTION #1

PROPOSED (PORCH DEPTH REDUCED FROM 6' to 3'-8")

PROPOSED ELEVATION (SOUTH)



PROPOSED SITE PLAN



25' Building Line

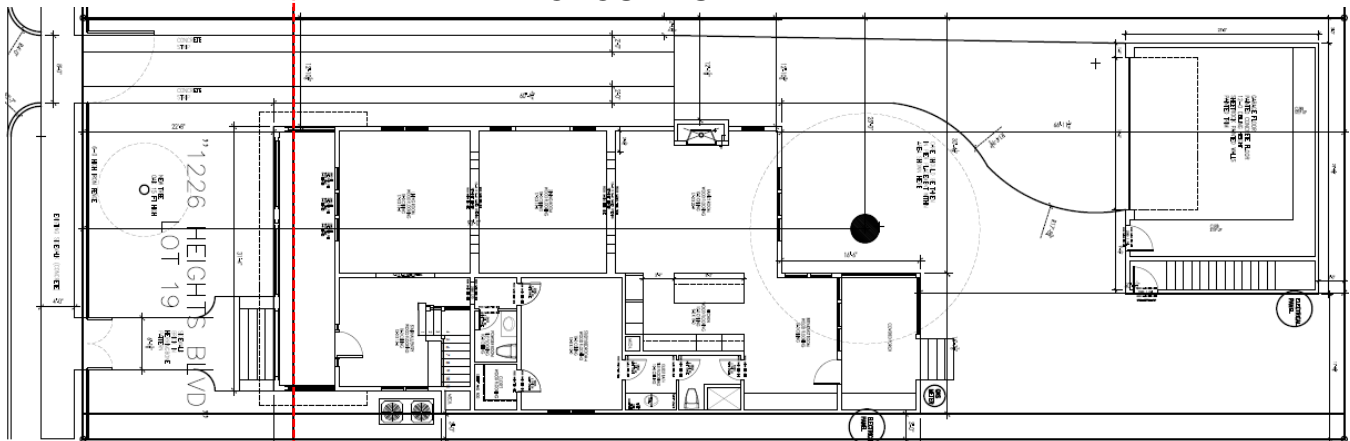
OPTION #2

PROPOSED (SETBACK REDUCED FROM 25' to 22.8')

PROPOSED ELEVATION (SOUTH)



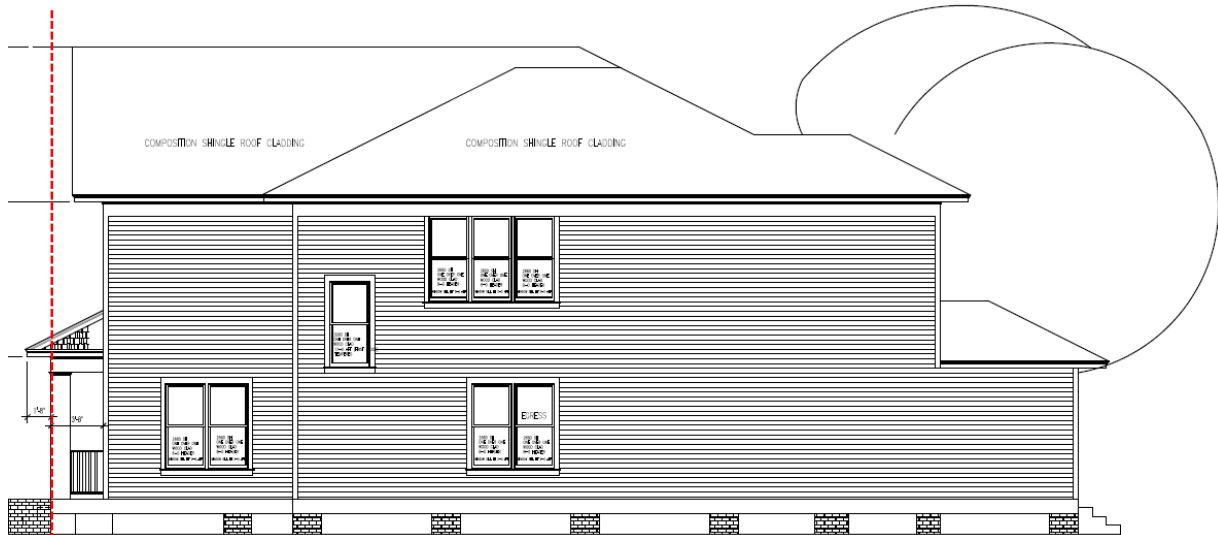
PROPOSED SITE PLAN



25' Building Line

ELEVATION COMPARISON

OPTION #1



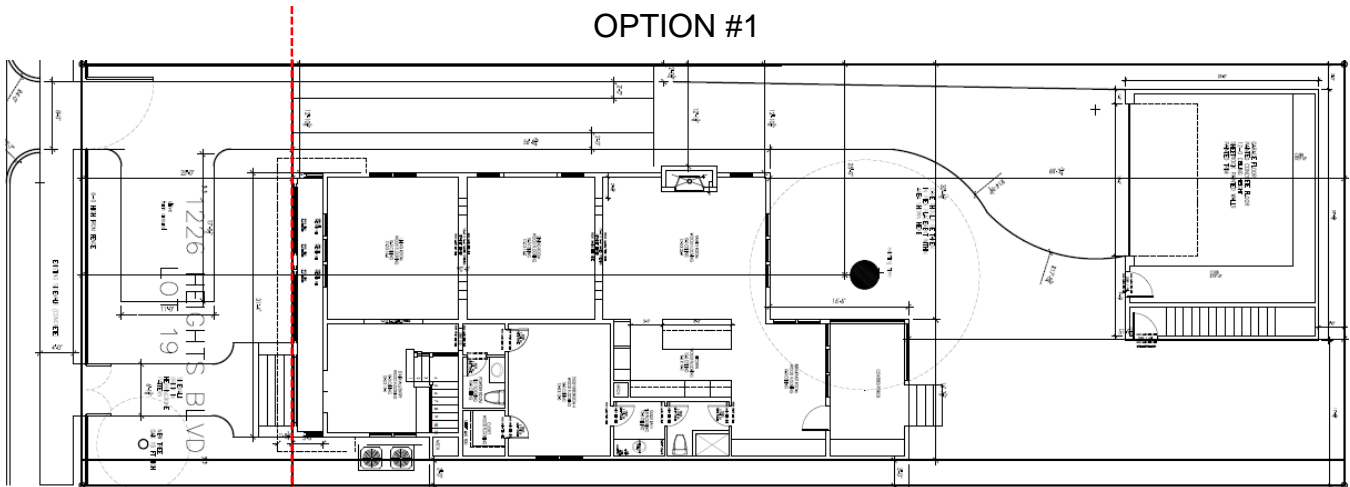
OPTION #2



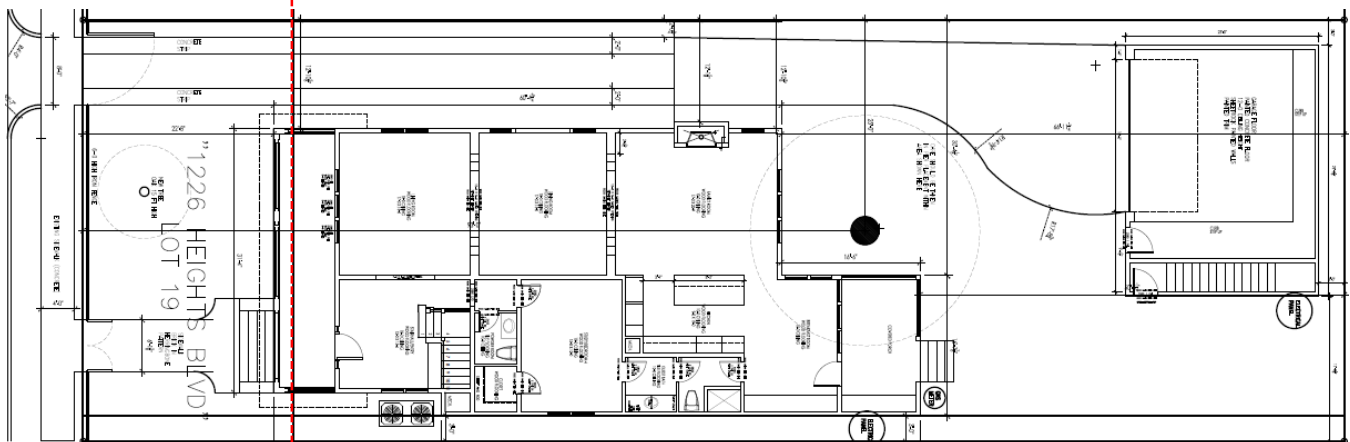
25' Building Line

SITE PLAN COMPARISON

OPTION #1



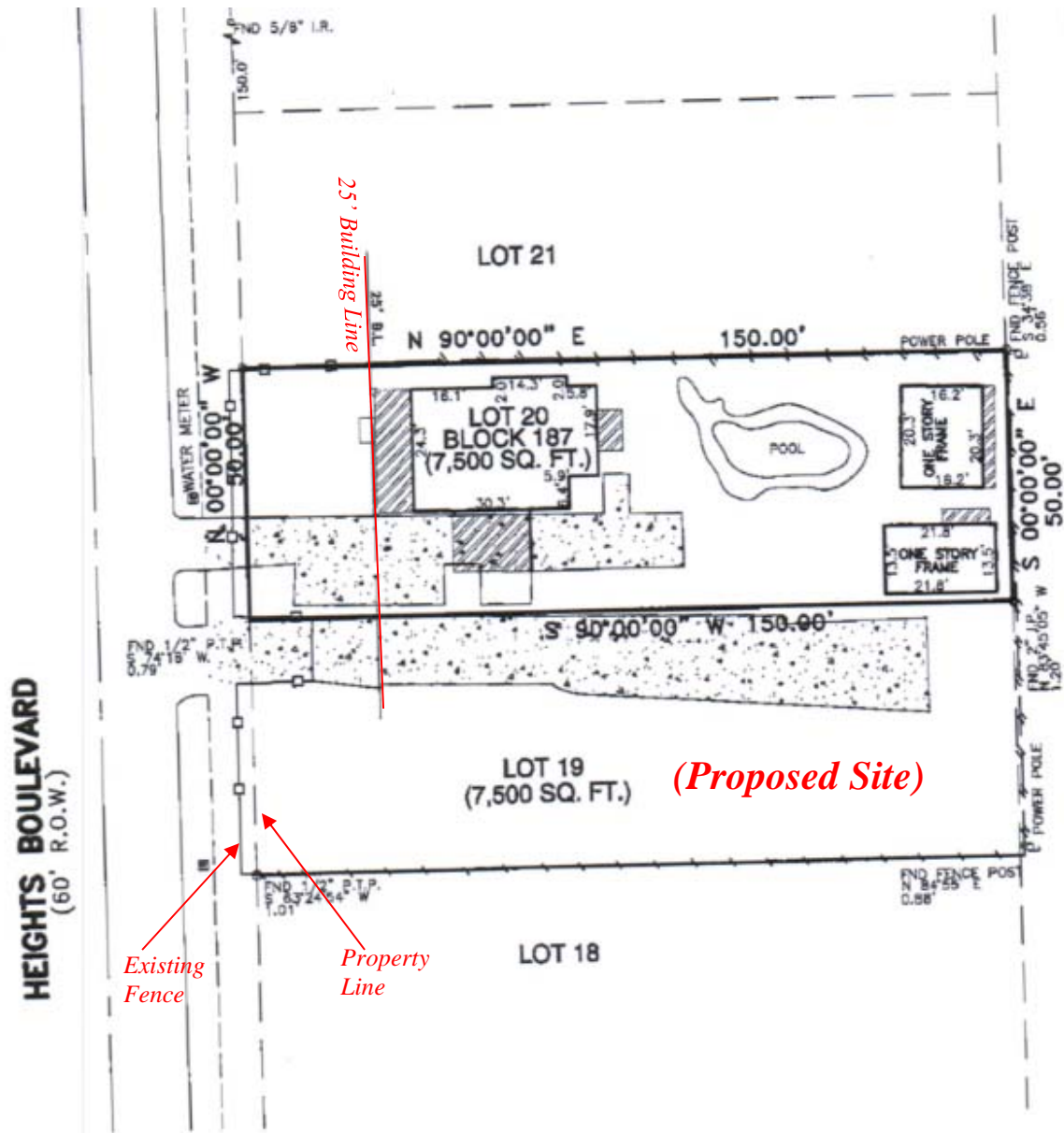
OPTION #2



25' Building Line

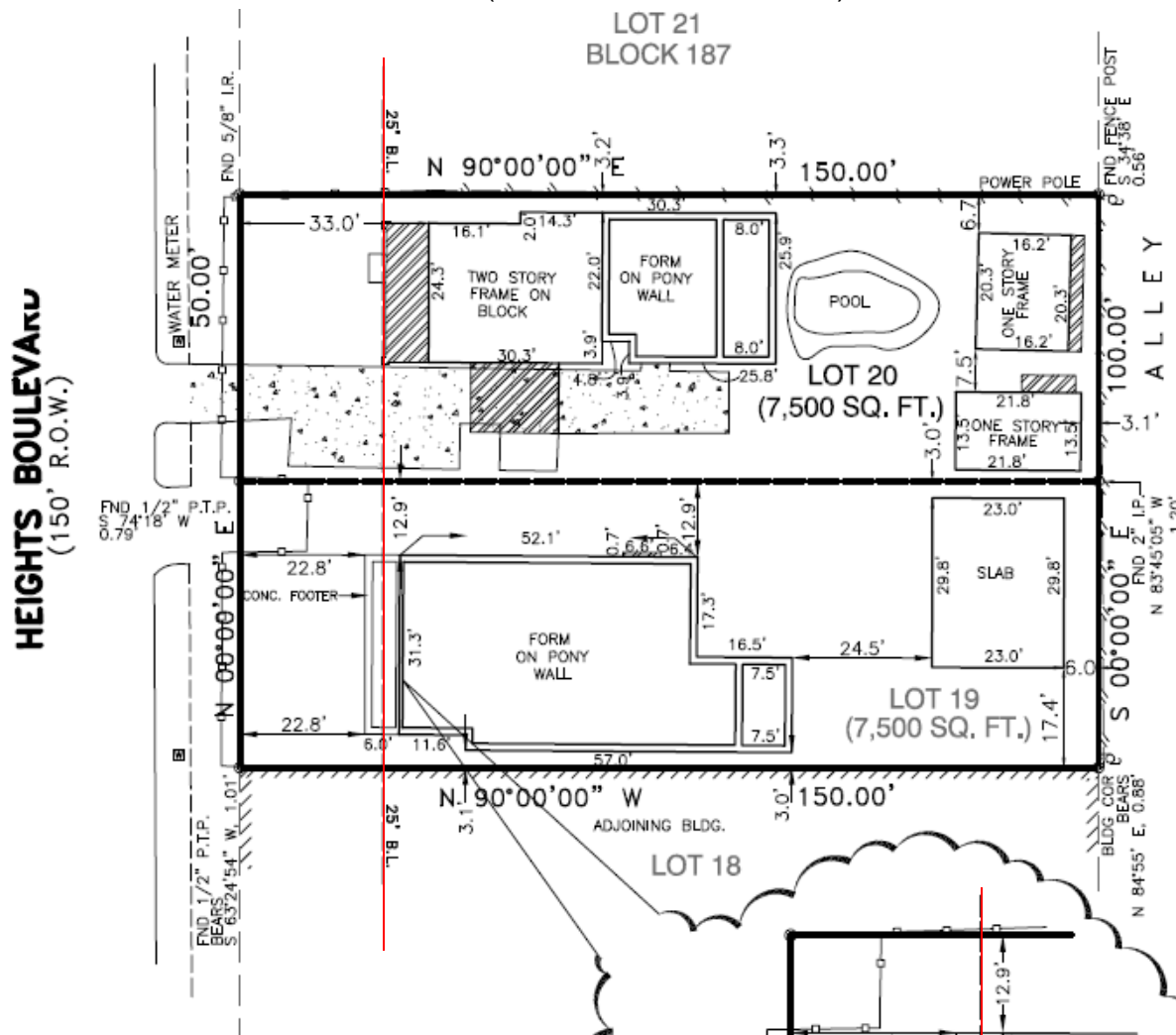
SURVEY

Original Submitted Survey (Showing 25' Building Line)
(07-05-2013)



SURVEY

AS BUILT (CURRENT CONDITION)

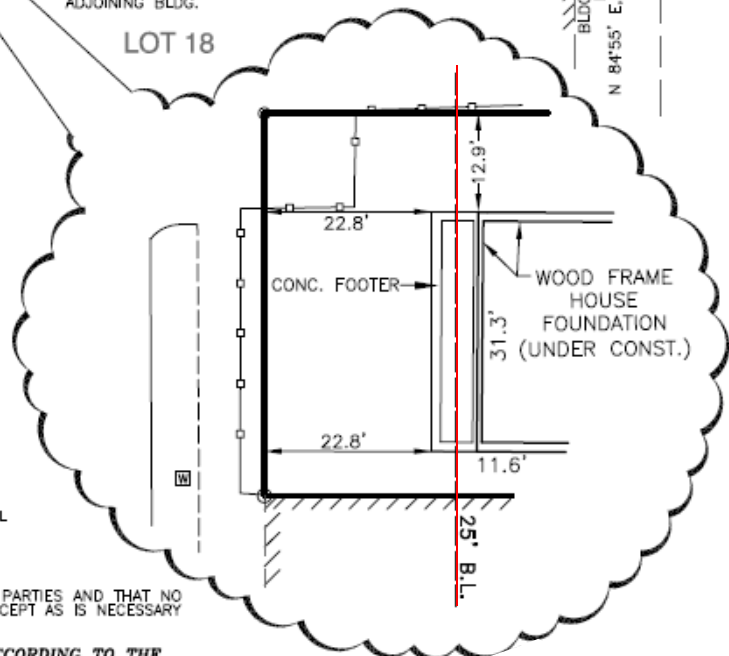


NOTES:

1. ALL BEARINGS AND STREET RIGHT OF WAYS ARE PER RECORDED PLAT.
2. SURVEYOR DID NOT ABSTRACT PROPERTY. SURVEY BASED ON LEGAL DESCRIPTIONS SUPPLIED BY TITLE COMPANY. EASEMENTS, BUILDING LINES, ETC., SHOWN ARE AS IDENTIFIED BY GF NO. 13002111 OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
3. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
4. THIS WORK PRODUCT IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF.
5. SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY.

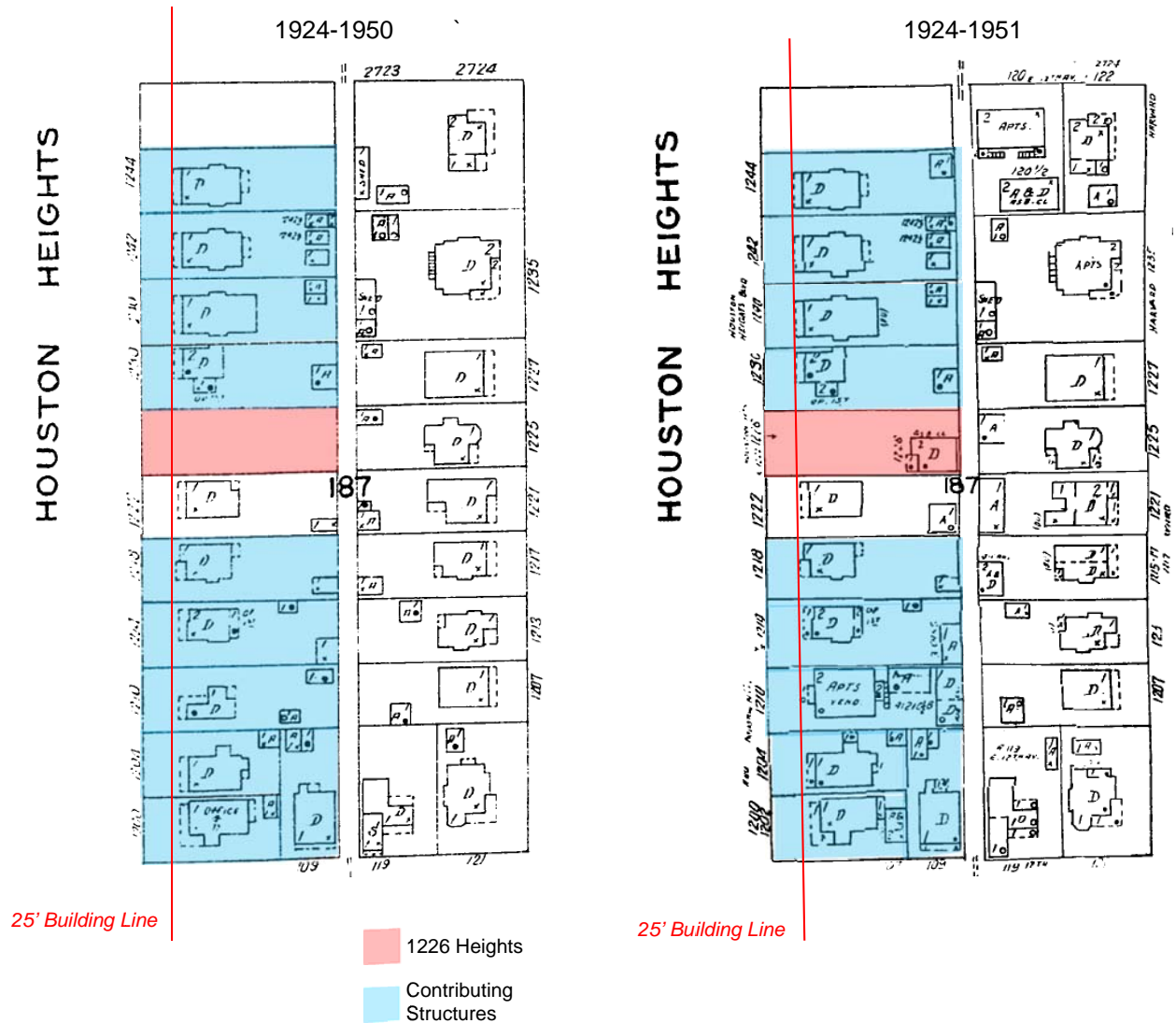
THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THAT NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION.

PLAT OF LOT 19 & 20, IN BLOCK 187 OF HOUSTON HEIGHTS, ACCORDING TO THE
MAP OR PLAT THEREOF RECORDED IN VOLUME 1A, PAGE 114 OF THE MAP
RECORDS OF HARRIS COUNTY, TEXAS



SANBORN MAPS

SHOWING CONSISTENT SETBACKS



Staff Photos Taken 12/30/2013



1226 Heights being framed



1226 Heights being framed



1226-1230 Heights porch comparison



1230 Heights – 1226 Heights (Framed)

Staff Photos Taken 07/08/2014



1226 Heights sided without porch



*1226 Heights and neighboring
noncontributing apartment building*

PROJECT DETAILS

Setbacks: As originally approved, the front porch of the proposed new residence was to begin at the required 25' building line. However, due to the applicants' measurement error, when construction began, the foundation (and subsequently the house) was built too far forward. Additionally, in order to maintain the character of the Historic District, the proposed building was approved to have a required 6'-0" deep front porch. If completed as designed and in its current location, the finished front porch will be at 22.8' from the front property line, encroaching 2.2' into the 25' building line.

The applicant has come up with two solutions to help rectify this issue.

Option #1 is to reduce the porch depth in order to keep the entire structure behind the 25' building line. In this option the required porch depth of 6'-0" will be reduced to 3'-8". This is not typical to the district and limits the functionality of the porch.

Option #2 is to reduce the required setback from 25' to 22.8'. The 25' setback is required because of the classification of Heights Boulevard as a major thoroughfare and a reduced setback is not typical to other contributing historic structures along Heights Boulevard. This option will also need a variance from the Planning Commission, but if approved by the HAHC, will be a 'shall approve' item.

See drawings for more detail.

Shape/Mass: Option #1:

The house will be constructed as approved with the exception of the front porch (and location). The depth of the front porch will be reduced from the approved 6'-0" to 3'-8".

Option #2:

The house will be constructed as planned, along with the 6' deep front porch, but will encroach into the 25' building line.

See drawings for more detail.

ATTACHMENT A**Public Comment****Houston Heights East Historic District Development Review Committee (ad-hoc)****Monthly Review Report**

The DRC report for Certificate of Appropriateness Applications is as follows:

Month: Aug-14

Date of Report: 26-Aug-14

<u>HAHC Action</u>	<u>Site Address</u>	<u>APPLICANT</u>	<u>COMPANY</u>	<u>PROPOSED ACTIVITY</u>	<u>DRC Response</u>	<u>DRC Vote</u>
	1209 Oxford St	Aldo Rojas, Owner		Alteration: 1-story addition	Support No Object Object	5 0 0
	1209 Oxford St	Aldo Rojas, Owner		NC: 1-story detached garage	Support No Object Object	5 0 0
	1226 Heights Blvd			Revision - front porch	Support - Either Proposal Support - 6" Porch No Object Object	2 2 0 0
	1820 Heights Blvd	Tommy Watts, Owner	Kevin Watson, Robert Sanders Homes	NC: 1-story detached garage	Support No Object Object	5 0 0
	110-112 W 12th St	Gerald W. Bodzy, Owner	Gary Chandler	Alteration: New windows and other misc changes	Support No Object Object	4 0 0
	128 W 17th St			NC - 3 story office/house	Support No Object Object	2 0 3
*NC = New Construction						

Below please find my recommendations for the East Houston Heights August HAHC proposed COA applications.

1209 Oxford (Item B.32) - Support

1209 Oxford (Item B.33) - Support

1820 Heights (Item B.35) - Support

110-112 W 12th (Item B.36) - I am a little confused about the south (rear) wall. According to the plans, it looks as if the entire wall will be demolished, a portion will be extended 4" and a new fenestration added to the new wall. However, the written description states "new windows will be installed in existing window openings" which lead me to believe that the wall will not be demolished. If that is the case, then why is the entire fenestration changing?

128 W 17th (Item B. 37) - Objection - the proposed new construction remains out of scale and out of proportion and is not compatible with the existing historic district

1226 Heights (Item B.34) - No report available at this time

Thank you,
Joy Tober

ATTACHMENT A
Public Comment (Continued)

1209 Oxford –support
1209 Oxford –garage –support
1226 Heights Blvd. –support
1820 Heights Blvd –support
110-112 W. 12th –support-Fabulous- Finally
128 W 17th –object - Will continue to object
Charlie Thorp

1209 Oxford –support
1209 Oxford –garage –support
1226 Heights Blvd. –support
1820 Heights Blvd –support
110-1012 W. 12th –support
128 W 17th –object Building form and materials not compatible with adjacent buildings on south side block face of 17th street between Heights Boulevard and Yale.
This property was included in the historic district specifically to complement and complete the form and character of this block face .

on Tue, Aug 26, 2014 at 10:50 AM, Brie Kelman wrote:

Thank you for the clarification, Diana. If I don't receive a specific response for option 1 or 2, I will assume that folks support both when I compile the results.

For the record, here are my responses.

1209 Oxford: Support.

1209 Oxford Garage: Support.

1226 Heights: Support Option 2 to allow a reduced front building line. A 3.5 ft porch would not provide a contemporary use, nor be compatible with the porches in the neighborhood (my original porch is 8" deep). Also, no one would ever notice this for 2 reasons: 1) most would assume the sidewalk is the property line (I'm still confused why the property line is 2 ft behind the sidewalk). 2) there is a huge apartment building next to it that is basically built directly on the property line - significantly further forward than this front porch.

1820 Heights: Support

110-112 W. 12th St.: Support

128 W. 17th: Support; the proposal fits with the scale, volume, and massing found on Yale St., as well as the early 1900's property next door (the proposed building is only 1 ft taller than the historic house next door). This will be a beautiful building that will dramatically improve this corner - an old ugly car wash, another vacant lot and a vet clinic.

ATTACHMENT A
Public Comment (Continued)

From: Joy Tober
Sent: Thursday, August 28, 2014 9:07 AM
To: DuCroz, Diana - PD
Subject: Re: Heights East reports all posted

Diana,

Here are my comments regarding 1226 Heights.

I oppose both options for this agenda item. Heights Boulevard is perhaps the most recognized street within the district and maintaining the 25' setback is a critical element in preserving the historic character. Option 2 clearly violates the criteria as spelled out in the ordinance and option 1 results in a non-functioning front porch, which is not typical of contributing structures along the Boulevard or the district. The applicant was given ample time and to correct this issue but chose to move forward. I feel approving either option will only set a precedence that builders can simple violate the ordinance then ask for forgiveness later. Therefore I ask that the HAHC deny this request.

Thank you,
Joy Tober
1540 Columbia