CERTIFICATE OF APPROPRIATENESS

Application Date: June 30, 2016

Applicant: Luis and Brittany DeOrbegoso, owners

Property: 536 Harvard Street, Lot 21, Block 289, Houston Heights Subdivision. The property includes a two-story historic 2,808 square foot former four-plex apartment building converted to a single-family residence in 2015 and a detached rear garage situated on a 6,600 square foot (50' x 132') interior lot.

Significance: Contributing brick apartment residence, constructed circa 1935, located in the Houston Heights Historic District South.

Proposal: Alteration – *Revision*

The current applicants are requesting retroactive approval of multiple alterations made last year in violation of COA requirements and Chapter 33. The previous owner was granted a COA for a rear addition and two door replacements in August 2014 as part of converting the four-plex into a single family residence, but the final alterations exceeded the scope of approval-some of which were explicitly denied by HAHC in August 2014.

In August 2014, the previous owner, Will Rallis, Olympic REI, applied for permission to:

- Add a 576 sq ft addition to the rear of the two-story structure.
- Replace 2 auxiliary front doors with new wood 9-lite divided windows.
- Replace the 12-lite front door (center door) with a new single glass panel door.
- Replace 2 existing round wood porch columns with new square columns.

HAHC approved the rear addition and the replacement of the auxiliary doors with fixed 9-lite divided windows, but denied the replacement of the original center front door and porch columns, all of which were in good condition.

In December 2015, staff learned that the owner had made the following unpermitted alterations:

- Replaced the original center front door with a new paneled and leaded-beveled glass door (denied in August COA).
- Installed fixed pane non-divided frosted windows instead of the approved wood 9-lite divided windows where auxiliary front doors were removed.
- Encased the lower half of the historic porch columns in square brick piers (replacement of columns denied in August COA).
- Covered the brick porch and steps with slate tile and added cement caps on the brick wing walls.
- Removed six original wood windows – four on the north elevation (a pair and a single window on the first floor and a single window on the second) and two on the south elevation (a single window on each floor) and bricked in the openings. Glass block was installed in one of the former openings.

The owner was red-tagged twice to correct the violations (second tag was issued after the owner removed the first tag from the property). In March 2016, the owner applied for retroactive COA approval of the above unauthorized changes. HAHC determined that all of the changes were inappropriate and denied the COA. Staff counseled the applicants to reverse the inappropriate work in order to come into compliance.

On May 20, 2016, after a site visit revealed that none of the unpermitted changes had been reversed, the inspector posted a 'Notice of Deficiencies' on the house. Staff was subsequently contacted by new owners of the house, who are the current applicants. The previous owner sold them the property on April 12, 2016 without informing them of the outstanding violations.

The new owners are willing to replace the unapproved frosted fixed pane windows with the nine-lite divided windows originally approved in August 2014, but do not wish to reverse any other portions of the unpermitted work. They are now seeking approval of all the unpermitted changes denied in the March 2016 COA, as well as permission to limewash the brick exterior of the house.

In sum, the scope of work covered by this application includes:

- Replacement of the historic front door; installation of the new leaded-beveled glass.
- Removal of six historic wood windows on the north and south side elevations; installation of brick, as well as glass block, to seal the openings.
- Retain brick piers encasing the original round porch columns.
- Installation of slate tile over existing brick porch decking and steps.
- Limewash the brick veneer front and side elevations.

The applicants are willing to replace the front door should the HAHC deny the existing replacement door; staff finds both the existing door and the proposed replacement door to be inappropriate. See Attachment E in your packets.

The applicants have submitted a timeline of events, a letter from Jeremy McFarland of Brickmoon Design, and their seller disclosure form (see Attachments A-C). See enclosed application materials and detailed project description on pp. 6-41 for further details.

While staff understands that the current owners had no knowledge that the previously executed work exceeded the permitted scope of the project, the alterations are still inappropriate and do not meet criteria.

Public Comment: No public comment received at this time.

Civic Association: No comment received.

Recommendation: **Denial – does not satisfy criteria**

HAHC Action: **Deferred**

APPROVAL CRITERIA

ALTERATIONS, REHABILITATIONS, RESTORATIONS AND ADDITIONS

Sec. 33-241: HAHC shall issue a certificate of appropriateness for the alteration, rehabilitation, restoration or addition of an exterior feature of (i) any landmark, (ii) protected landmark, (iii) any building, structure or object that is part of an archaeological site, or (iv) contributing building in a 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)	The proposed activity must retain and preserve the historical character of the property; The partial brick encasement of the original full length columns, removal and replacement of the original front door, installation of slate tile on the porch and steps, removal of original windows and bricking in window openings, and limewashing the original brick veneer does not preserve the historical character of the property.
☒	☐	☐	(2)	The proposed activity must contribute to the continued availability of the property for a contemporary use;
☐	☒	☐	(3)	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; The partial brick encasement of the original full length columns, removal and replacement of the original door with a more contemporary door, installation of a slate tile porch floor and steps, and limewashing the original brick veneer does not recognize the building's 1930s design and seeks to create a newer appearance that is not compatible with the building or context area.
☐	☒	☐	(4)	The proposed activity must preserve the distinguishing qualities or character of the building, structure, object or site and its environment; The partial brick encasement of the original full length columns, removal and replacement of the original front door, installation of slate tile on the porch and steps, removal of original windows and bricking in window openings, and limewashing the original brick veneer does not preserve the distinguishing qualities and character of the building.
☐	☒	☐	(5)	The proposed activity must maintain or replicate distinctive stylistic exterior features or examples of skilled craftsmanship that characterize the building, structure, object or site; The partial brick encasement of the original full length columns, removal and replacement of the original front door, installation of slate tile on the porch and steps, removal of original windows and bricking in window openings, and limewashing the original brick veneer does not maintain or replicate distinctive stylist features of the building.
☒	☐	☐	(6)	New materials to be used for any exterior feature excluding what is visible from public alleys must be visually compatible with, but not necessarily the same as, the materials being replaced in form, design, texture, dimension and scale;
☐	☒	☐	(7)	The proposed replacement of missing exterior features, if any, should be based on an accurate duplication of features, substantiated by available historical, physical or pictorial evidence, where that evidence is available, rather than on conjectural designs or the availability of different architectural elements from other structures; Removal of the original door and replacement with a new door of a different design and style, partially encasing the original columns, and bricking in the original window openings is not a duplication of features substantiated by any evidence, since the original existing material was either damaged or destroyed during the alteration.
☐	☒	☐	(8)	Proposed additions or alterations must be done in a manner that, if removed in the future, would leave unimpaired the essential form and integrity of the building, structure, object or site; Bricking in the original window openings alters the essential form of the building. Limewashing the

original brick veneer is essentially irreversible (or reversed with measures that damage the brick) and impairs the integrity of the building.

☐ ☒ ☐ (9) The proposed design for any exterior alterations or addition must not destroy significant historical, architectural, archaeological or cultural material, including but not limited to siding, windows, doors and porch elements and must be compatible with the size, scale, material and character of the property and the area in which it is located;
The partial brick encasement of the original full length columns and the removal of original windows and bricking in window openings destroys significant historic material.

☐ ☒ ☐ (10) The proposed alteration or addition must be compatible with the massing, size, scale material and character of the property and the context area; and
The partial brick encasement of the original full length columns, removal and replacement of the original front door, installation of slate tile on the porch and steps, removal of original windows and bricking in window openings, and limewashing the original brick veneer is not compatible with the historical character of the property and the context area.

☐ ☐ ☒ (11) The distance from the property line to the front and side walls, porches, and exterior features of any proposed addition or alteration must be compatible with the distance to the property line of similar elements of existing contributing structures in the context area.

While staff understands that the current owners had no knowledge that the previously executed work exceeded the permitted scope of the project, the changes are still inappropriate alterations to the historic house, are in violation of the approved COA, and do not meet criteria. Staff recommends that the applicants submit an application wherein the applicants establish a course of action to reverse the inappropriate alterations.

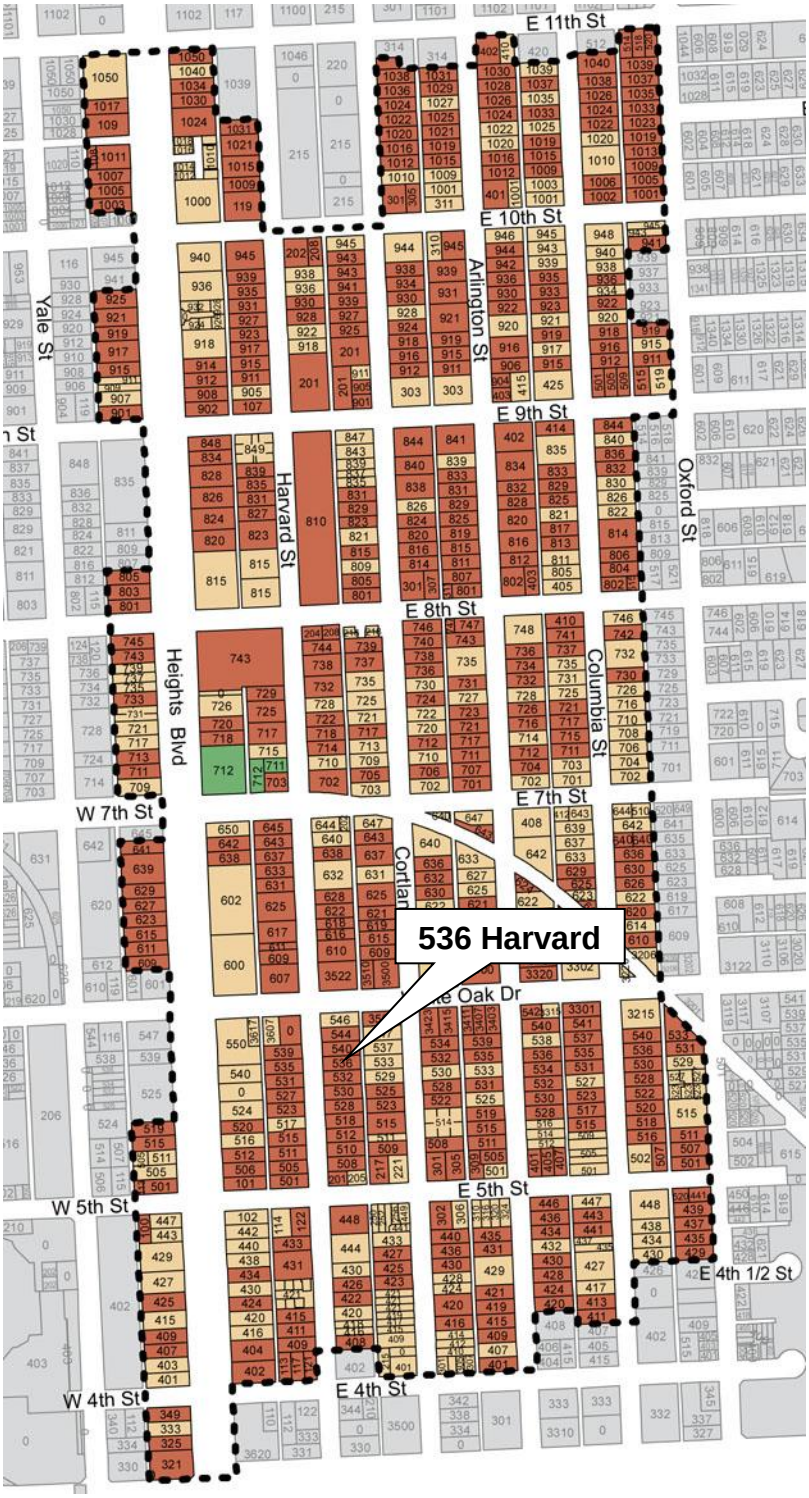
The six original wood windows and front door that were removed without permission have been destroyed. Staff believes the bricked-in window openings should be reopened and salvaged windows and front door matching the original should be installed.

Staff also believes the brick piers built around the columns and the slate tile on the porch floor and steps should be removed and the original material underneath re-exposed. The applicants argue that removing the brick piers and slate tile will irreversibly damage the historic material (wood and brick) underneath. While this is a possibility, staff feels that the inappropriate alterations do even more damage to the historic character of the house.

N

PROPERTY LOCATION

HOUSTON HEIGHTS HISTORIC DISTRICT SOUTH



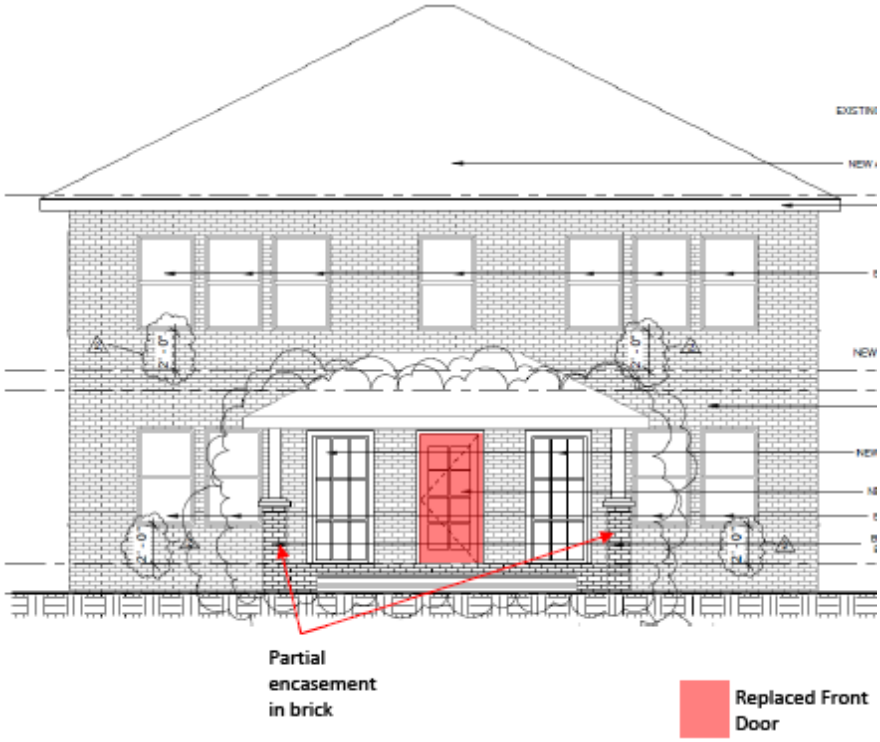
Building Classification
- Contributing
- Non-Contributing
- Park

INVENTORY PHOTO

WEST ELEVATION – FRONT FACING HARVARD STREET

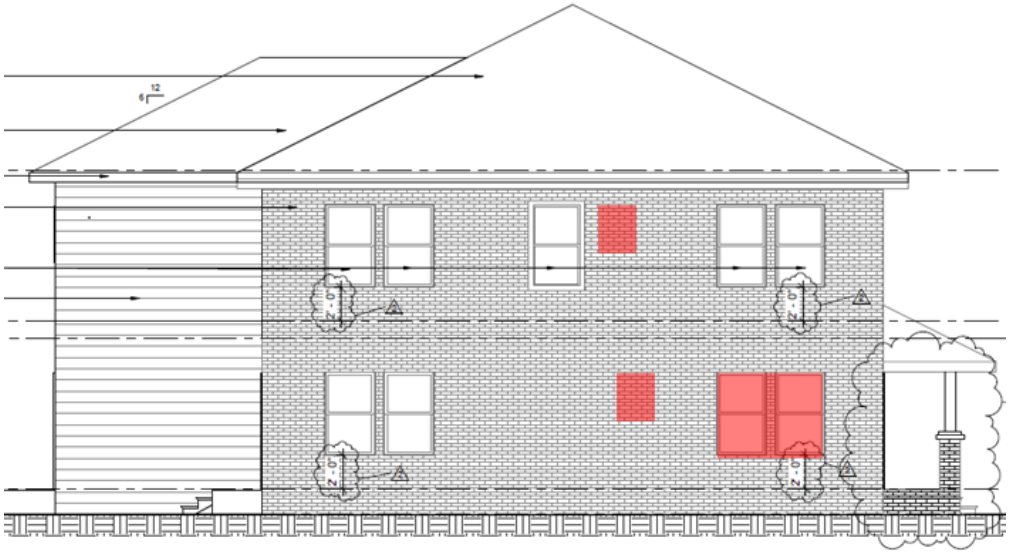
PARTIALLY APPROVED 8/28/2014

PROPOSED (DENIED 3/24/2016)



NORTH SIDE ELEVATION

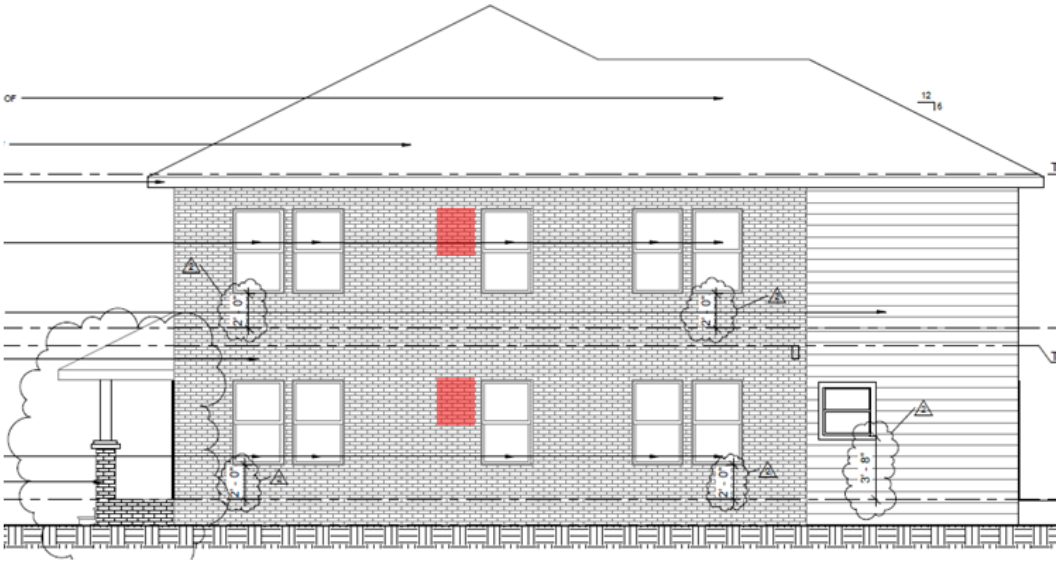
PROPOSED (DENIED 3/24/2016)



Bricked in Window

SOUTH SIDE ELEVATION

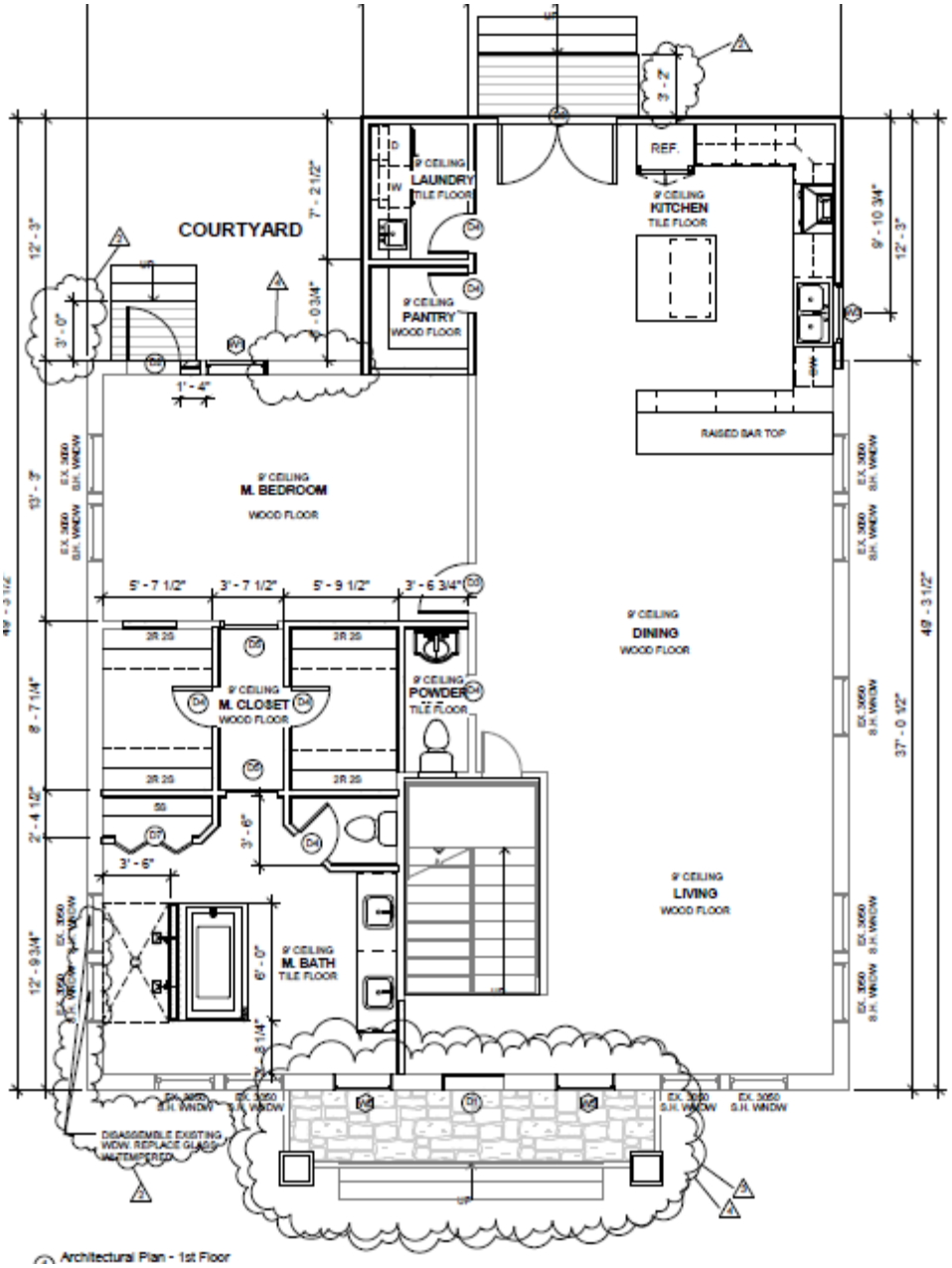
PROPOSED (DENIED 3/24/2016)



Bricked in Window

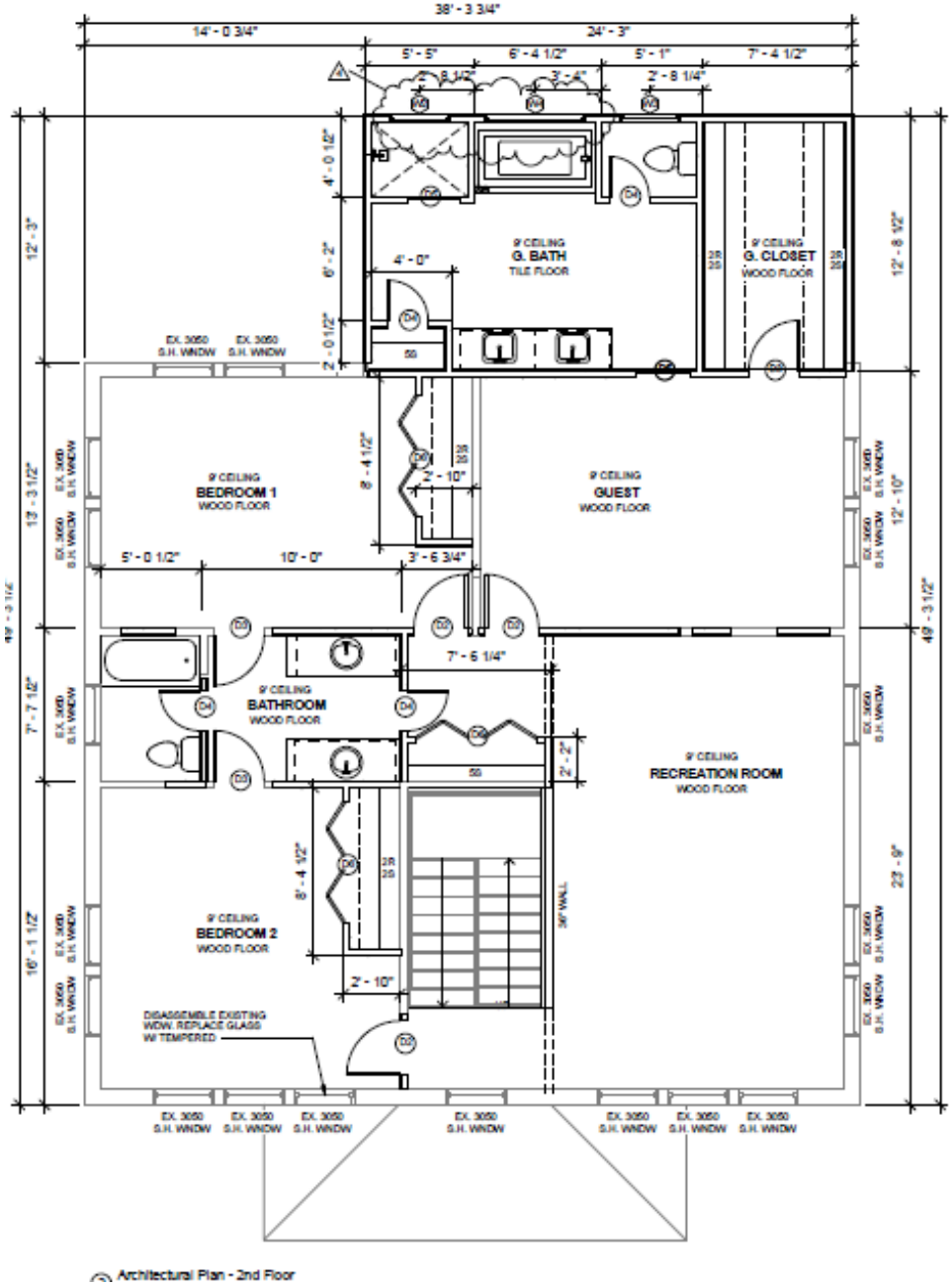
FIRST FLOOR PLAN

DENIED 3/24/2016



SECOND FLOOR PLAN

DENIED 3/24/2016



Architectural Plan - 2nd Floor

WINDOW / DOOR SCHEDULE

DENIED 3/24/2016

Window Schedule

Model	Height	Width	Family	Sill Height	Head Height	Count	Comments
W1	5' - 0"	3' - 0"	Double Hung with Trim	2' - 0"	7' - 0"	1	Tempered
W2	1' - 0"	3' - 0"	Fixed with Trim	5' - 8"	6' - 8"	1	Glass Block - Tempered, Privacy
W3	3' - 0"	3' - 0"	Double Hung with Trim	3' - 8"	6' - 8"	2	
W4	2' - 6"	5' - 0"	Fixed with Trim	4' - 2"	6' - 8"	1	Glass Block - Tempered, Privacy
W5	6' - 8"	3' - 0"	Fixed Paned w/Trim	0' - 0"	6' - 8"	2	

Door Schedule

Model	Width	Height	Family	Head Height	Count	Comments
D1	3' - 0"	6' - 8"	Single-Glass	6' - 8"	1	
D2	2' - 8"	6' - 8"	Single-Panel	6' - 8"	4	
D3	2' - 6"	6' - 8"	Single-Panel	6' - 8"	4	
D4	2' - 0"	6' - 8"	Single-Panel	6' - 8"	10	
D5	2' - 8"	6' - 8"	Single-Glass	6' - 8"	4	Tempered, Privacy
D6	6' - 0"	6' - 8"	Bifold-4 Panel	6' - 8"	3	
D7	4' - 0"	6' - 8"	Bifold-4 Panel	6' - 8"	1	
D8	6' - 0"	6' - 8"	Double-Glass	6' - 8"	1	
D9	3' - 0"	6' - 8"	Single-Panel	5' - 2"	1	
D10	16' - 0"	6' - 6"	Overhead-Sectional	6' - 6"	1	

3 Schedules

STAFF PHOTOS

FRONT PORCH

ORIGINAL

CURRENT

STAFF PHOTOS

PORCH STEPS

ORIGINAL

CURRENT

STAFF PHOTOS

NORTH ELEVATION

ORIGINAL

CURRENT

STAFF PHOTOS

SOUTH ELEVATION

ORIGINAL

CURRENT

STAFF PHOTOS

ORIGINAL COLUMN CONDITION

STAFF PHOTOS

ORIGINAL COLUMN CONDITION

STAFF PHOTOS

ORIGINAL DOOR CONDITION

STAFF PHOTOS

ORIGINAL DOOR CONDITION

STAFF PHOTOS

NORTH ELEVATION BRICKED IN WINDOWS (APPLIED TO REMAIN)

STAFF PHOTOS

NORTH ELEVATION BRICKED IN WINDOWS (APPLIED TO REMAIN)

STAFF PHOTOS

SOUTH ELEVATION BRICKED IN WINDOWS (APPLIED TO REMAIN)

STAFF PHOTOS

BRICK PEDESTALS WRAPPED AROUND ORIGINAL COLUMNS (APPLIED TO REMAIN)

STAFF PHOTOS

NEW FRONT DOOR (APPLIED TO REMAIN)

STAFF PHOTOS

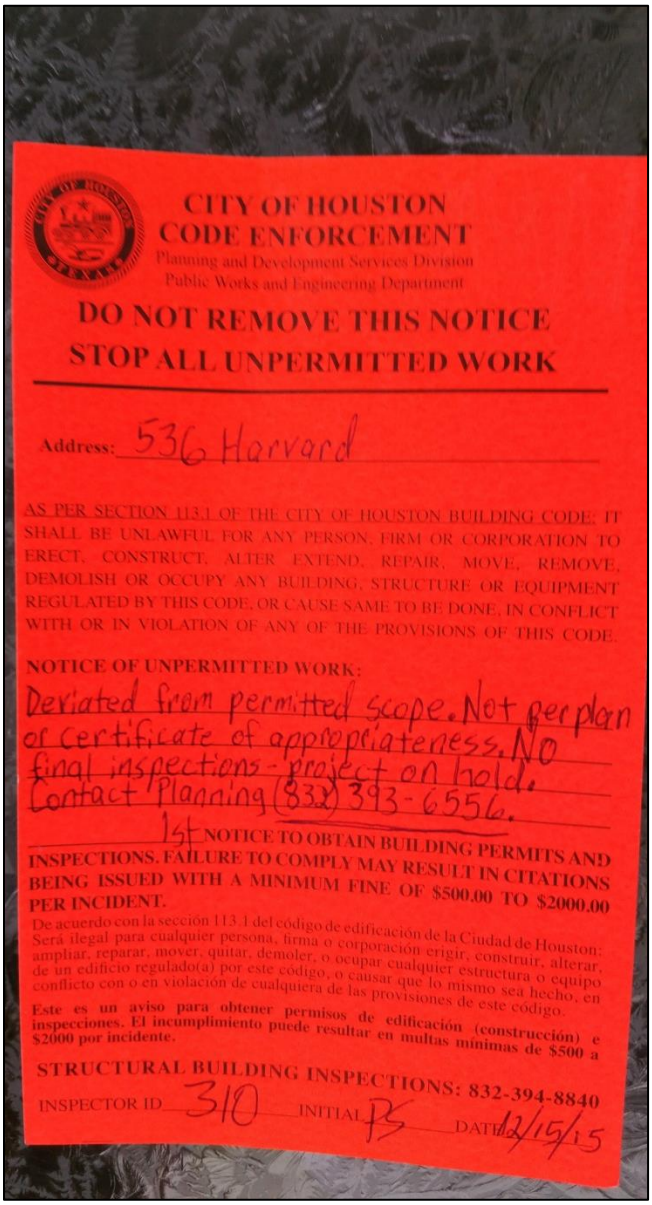
AUXILIARY DOOR OPENINGS (APPROVED TO BE REPLACED WITH 9-LITE WINDOW)

STAFF PHOTOS

AUXILIARY DOOR OPENINGS (APPROVED TO BE REPLACED WITH 9-LITE WINDOW)

STAFF PHOTOS

RED TAGS December 2015



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: 536 Harvard

AS PER SECTION 113.1 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:
Deviated from permitted scope. Not per plan or certificate of appropriateness. NO final inspections - project on hold. Contact Planning (832) 393-6556.

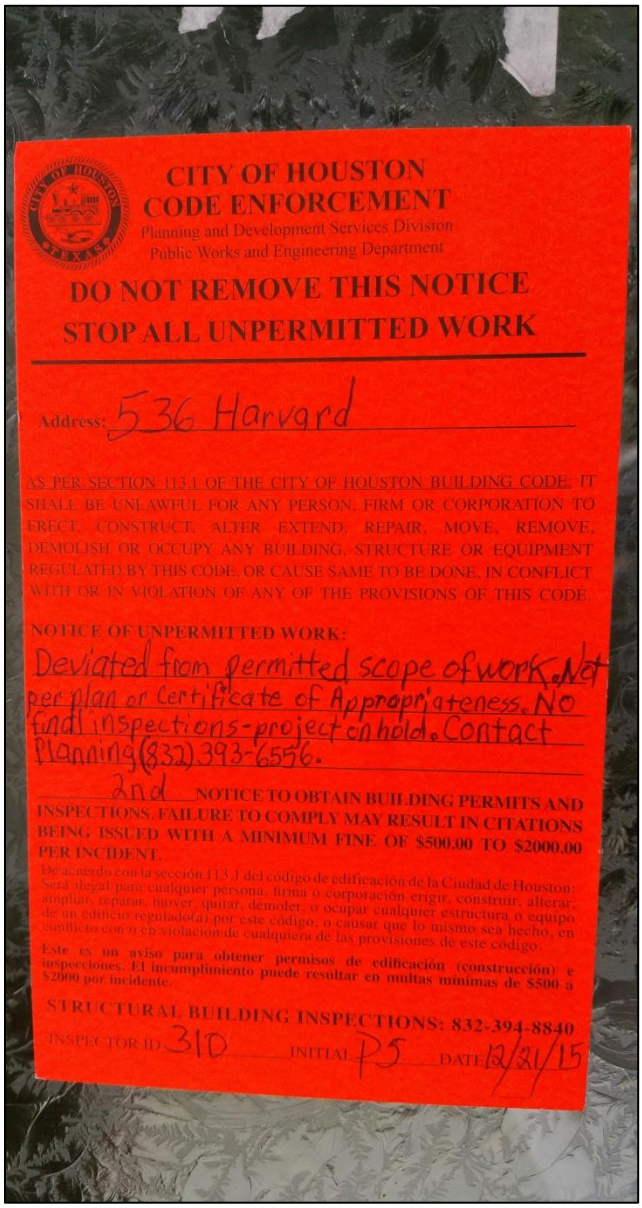
1st NOTICE TO OBTAIN BUILDING PERMITS AND INSPECTIONS. FAILURE TO COMPLY MAY RESULT IN CITATIONS BEING ISSUED WITH A MINIMUM FINE OF $500.00 TO $2000.00 PER INCIDENT.

De acuerdo con la sección 113.1 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.

STRUCTURAL BUILDING INSPECTIONS: 832-394-8840

INSPECTOR ID 310 INITIAL PS DATE 12/15/15



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: 536 Harvard

AS PER SECTION 113.1 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:
Deviated from permitted scope of work. Not per plan or Certificate of Appropriateness. NO final inspections - project on hold. Contact Planning (832) 393-6556.

2nd NOTICE TO OBTAIN BUILDING PERMITS AND INSPECTIONS. FAILURE TO COMPLY MAY RESULT IN CITATIONS BEING ISSUED WITH A MINIMUM FINE OF $500.00 TO $2000.00 PER INCIDENT.

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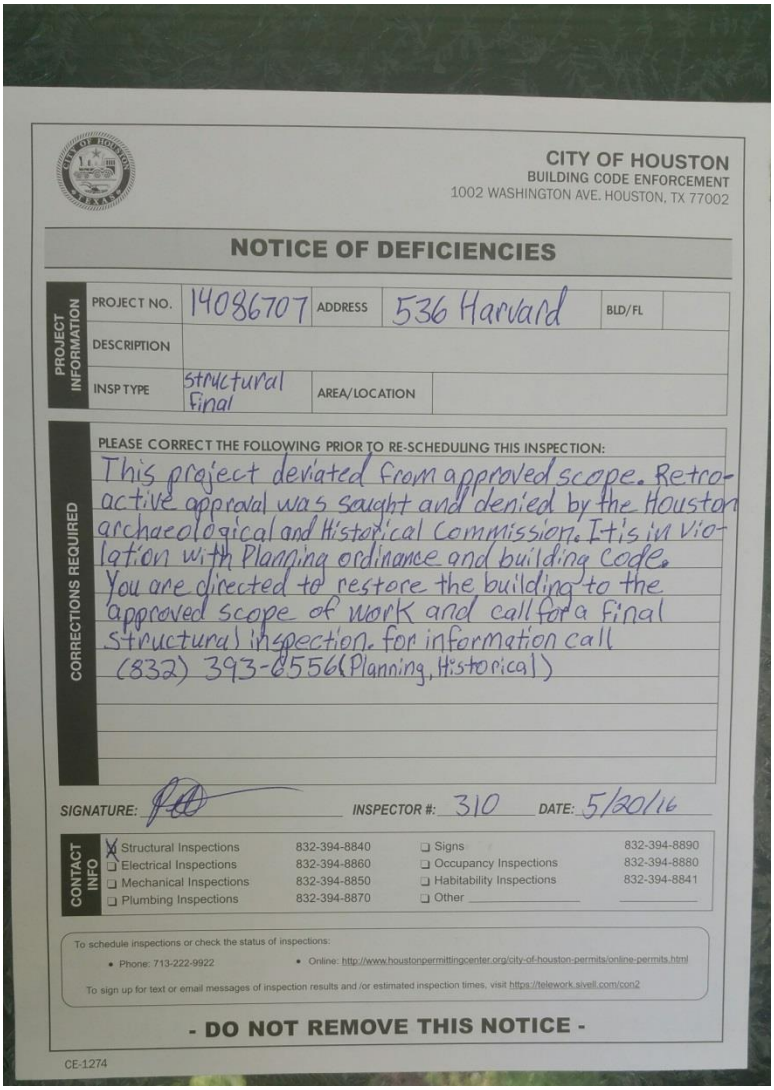
STRUCTURAL BUILDING INSPECTIONS: 832-394-8840

INSPECTOR ID 310 INITIAL PS DATE 12/21/15

STAFF PHOTOS

NOTICE OF DEFICIENCIES May 2016



CITY OF HOUSTON
BUILDING CODE ENFORCEMENT
1002 WASHINGTON AVE. HOUSTON, TX 77002

NOTICE OF DEFICIENCIES

PROJECT INFORMATION

PROJECT NO.	14086707	ADDRESS	536 Harvard	BLD/FL	
DESCRIPTION					
INSP TYPE	Structural Final	AREA/LOCATION			

CORRECTIONS REQUIRED

PLEASE CORRECT THE FOLLOWING PRIOR TO RE-SCHEDULING THIS INSPECTION:

This project deviated from approved scope. Retroactive approval was sought and denied by the Houston archaeological and Historical Commission. It is in violation with Planning ordinance and building code. You are directed to restore the building to the approved scope of work and call for a Final Structural inspection. for information call (832) 393-6556 (Planning, Historical)

SIGNATURE: _____ INSPECTOR #: 310 DATE: 5/30/16

CONTACT INFO

X Structural Inspections	832-394-8840	❑ Signs	832-394-8890
❑ Electrical Inspections	832-394-8860	❑ Occupancy Inspections	832-394-8880
❑ Mechanical Inspections	832-394-8850	❑ Habitability Inspections	832-394-8841
❑ Plumbing Inspections	832-394-8870	❑ Other _____	_____

To schedule inspections or check the status of inspections:
• Phone: 713-222-9922 • Online: http://www.houstonpermittingcenter.org/city-of-houston-permits/online-permits.html
To sign up for text or email messages of inspection results and /or estimated inspection times, visit https://telework.sivell.com/con2

- DO NOT REMOVE THIS NOTICE -

CE-1274

PROJECT DETAILS

Windows/Doors: March 2016: On the north elevation, a pair of windows and a single window on the first story were removed and the openings bricked in. Two rows of glass block were installed above the bricked in paired window location. A single window on the second story was also removed and the window bricked in. On the south elevation, a single window on both stories was removed and bricked in. The windows were destroyed. These window alterations did not appear as part of the application and were not indicated on the drawings. The original front door was removed, despite the HAHC condition that the original door was to remain. The auxiliary front doors were to be replaced with fixed 9-lite wood windows. The installed windows are instead fixed single pane.

July 2016: The applicant seeks approval for the altered window pattern that was denied at the March 2016 HAHC meeting (see March 2016). The applicant also proposes to retain the unapproved front door.

Exterior Materials: March 2016: The previous applicant partially encased the existing front columns in brick, despite the Commission determination that the original columns were to remain. Slate tile was installed on the porch floor as well as the porch steps.

July 2016: The current applicant seeks approval for the alterations made to the columns, porch floor, and porch steps. They also seek approval for limewashing the original brick veneer.

ATTACHMENT A

APPLICANTS' LETTER TO THE COMMISSION AND TIMELINE OF EVENTS

Hello Committee and Staff,

My husband and I would like to thank you for your time and consideration in allowing us to present you with the situation we are facing concerning our new home, 536 Harvard Street. As previously mentioned at the end of the June meeting, my husband and I purchased this home from the builder Will Rallis in April of this year. Shortly after our closing date, we received a red tag notice form the City of Houston – Code Enforcement, stating that our home was in violation for deviating from the approved scope of project. As the buyers of this home, we were never made aware by the builder/seller, in disclosures or at closing, that renovations made to the home were done without the Houston Archeological & Historical Commission's approval. In fact, all we knew was that the house had recently been renovated, nothing more.

This unfortunate circumstance has left my husband and I completely blindsided. My husband and I are newly married and this is our first home together, and having to imagine renovating our new home after we just bought it is simply devastating. We love our house as we bought it and cannot imagine having to change it. More concerning, we do not know how we will be able to come up with the means to afford these unforeseen renovations the HAHC may require. When we purchased this home, we budgeted for our mortgage, but did not budget for expensive renovations. While we have been advised and have considered suing the builder/ seller, we do not have the extra capital to hire an attorney, and the attorneys that we have spoken with have informed us that if recovery from the builder/seller is possible, it can take over a year or more before the matter gets resolved. With all of this said, any changes that will need to be made per the commission's decision will be coming out of our pocket, which is essentially empty.

On July 28, 2016, I will be filing a contest to request the committee and staff reconsider their decision to restore our new home to its prior condition. We are contesting this decision because we were completely innocent and do not believe we should be responsible for the builders lack of judgement when he made these alterations to the home. Further, we have learned after speaking with different contractors that many of the restorations/renovations that are being requested are all but impossible at this point given that the majority of the items to be restored have been either been trashed or severely damaged by the builder.

If you will please take the time to look at the proposal that one of the contractors provided for us in regard to the changes that are being requested it would be greatly appreciated. We have also come up with a tentative timeline of events from when my husband and I started to look at the home to when we closed to provide further proof that we were innocent in this situation. In conclusion, I would respectfully request the committee to please not take forceful actions on our new home, which will only put my husband and I in a situation in which we will have to pay for an expensive restoration that we simply cannot afford.

Thank you for your time and consideration.

Warmly,

Luis & Brittany DeOrbegoso

Timeline of Events:

February 27, 2016 - First time viewing the home. Will Rallis (the builder and seller) was the one showing us the house because his sister was out of town. He mentioned the house was converted from a four-plex to a single family home. He pointed out all of the original features that he preserved and never once mentioned the house being red tagged. The red tag was removed and not visible at this showing.

March 2, 2016 - We hired our family friend to assist us as our real-estate agent since this was our first time buying a home

and we were unaware of how the process went.

March 3, 2016 - Seller disclosure was sent to our realtor. Nothing was disclosed about the property being in any type of violation. The document is attached. Please refer to section 5.
Also on March 3rd, Sofia (Will Rallis' realtor) sent an email confirming everything was approved with the house. Screen shot of email is attached.

March 4, 2016 - Received our pre approval letter from the bank to move forward with the house.

March 9, 2016 - The first communication started with Stewart Title in regards to our Closing Transaction.

March 14, 2016 - The Title Commitment was sent to all parties by Stewart Title.

March 28, 2016 - We hired an inspector to look at the property. There was not a red rag on the door, nor was it mentioned by the seller or the inspector about the violation.

April 8, 2016 - Will Rallis (Builder/Seller) requested to do a walk through together in the home. Never once was the violation mentioned nor was the red tag on the door.

April 12, 2016 - We closed on 536 Harvard Street with absolutely nothing mentioned by the builder/seller about the violation with the home.

ATTACHMENT B

LETTER FROM BRICKMOON DESIGN

brickmoon DESIGN

To: Houston Archaeological and Historical Commission

From: Brickmoon Design

Date: July 6th, 2016

Subject: 536 Harvard

I am writing this letter on behalf of the homeowner at 536 Harvard in order to provide a professional opinion to the changes requested by the HAHC. The staff members at the HAHC have asked that issues with the current front porch, front steps, front columns, front door and windows, and removed windows be addressed.

The items discussed below are the result of issues created by the builder who completed work without approval from the HAHC. The work was not performed in accordance with the original COA and the homeowner was sold the house without any knowledge of this negligence.

Slate tile has been added on top of the existing brick porch and steps. The process required to remove the slate tile and grout will likely cause damage to the existing brick below it. The existing material will not be in the same condition it was before the tiles were applied. I would propose that the slate tile be allowed to remain since the original material would be compromised and require replacement in order to remove the tiles.

The existing front porch columns have been encased within a brick and concrete base. It is unclear as to how the builder encased the existing columns within the brick bases. The process of removing the brick and the concrete cap that surrounds the existing column will likely cause damage to the existing column surround. If the brick could be removed successfully, the existing column will not be in its original condition and will also likely need to be replaced. I would propose that the existing column condition be allowed to remain since the original material would be compromised during the removal process and require replacement.

The original front door was replaced by the builder and it no longer exists. The historic material has been removed and discarded by the builder prior to the homeowner

purchasing the home. I would propose that a different style of door be chosen in order to better match the original historic door style.

The two original doors on either side of the main door, which once led to separate entrances of the fourplex, were approved to be replaced with 9 lite windows. However, the builder chose to install single lite, frosted glass picture windows prior to the homeowner purchasing the home. I would propose that the type of window that was originally approved by the HAHC be installed in place of the picture windows.

Five original windows were also removed by the builder during the construction process. The historic material was removed and discarded by the builder before the homeowner purchased the house. Putting new, non-original windows back in their existing locations does not add any historic fabric back to the home. Those window locations also no longer work with the current house design. The two large windows on the north side would be located within the master shower, which would allow no privacy and cause water issues since the shower heads face the window. The three small windows on the north side are located at wall intersections in the master bath and closet, and the two windows on the south side would be located off-center in the living room and gameroom. I would propose that the current window conditions be allowed to remain since the historic fabric has already been destroyed.

In addition to the builder not following the original COA and not disclosing this information to the current homeowner, he also sold the house to the current homeowner by telling them that it wouldn't be a problem to lime wash over the original bricked in window locations to make the house look better. In our professional opinion, this homeowner was deceived and placed in a situation that is completely out of their control. They are now in a position to have to fix issues that were not disclosed and, as a result, are in a very unusual situation where the fault lies completely with another party that no longer has ownership of the house. Now they are being asked to make some significant changes to the house they purchased that will require them to spend a significant amount of money to fix something that was completely out of their control. This is a very unfortunate situation.

Sincerely,

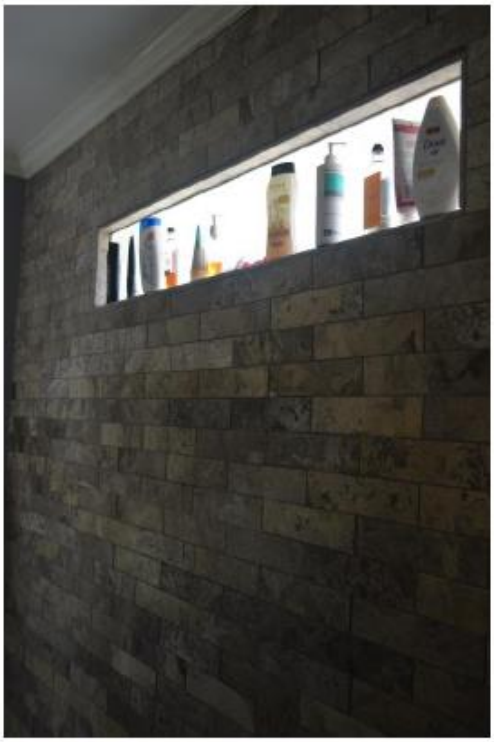
Jeremy McFarland

Brickmoon Design

ATTACHMENT C

APPLICANT PHOTOS

View of current frosted glass window facing into master bathroom.



View of current master shower. This would be the location of the two large windows that were removed and the HAHC is asking to be put back. Shower heads are located on the opposite wall and point directly towards the windows.

View of slate tile that was placed over the existing brick porch and steps.

View of current porch columns. The right view shows the concrete cap over the brick base that fully surrounds the original column.

ATTACHMENT D

SELLER'S DISCLOSURE

TEXAS ASSOCIATION OF REALTORS®

SELLER'S DISCLOSURE NOTICE

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Section 5.008, Property Code requires a seller of residential property of not more than one dwelling unit to deliver a Seller's Disclosure Notice to a buyer on or before the effective date of a contract. **This form complies with and contains additional disclosures which exceed the minimum disclosures required by the Code.**

CONCERNING THE PROPERTY AT 536 Harvard St Houston, Tx 77007-2570

THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE BUYER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER, SELLER'S AGENTS, OR ANY OTHER AGENT.

Seller ☐ is ☒ is not occupying the Property. If unoccupied (by Seller), how long since Seller has occupied the Property?
☐ _____ or ☒ never occupied the Property

Section 1. The Property has the items marked below: (Mark Yes (Y), No (N), or Unknown (U).)
This notice does not establish the items to be conveyed. The contract will determine which items will & will not convey.

Item	Y	N	U
Cable TV Wiring		☒	
Carbon Monoxide Det.			☒
Ceiling Fans	☒		
Cooktop		☒	
Dishwasher	☒		
Disposal	☒		
Emergency Escape Ladder(s)		☒	
Exhaust Fans			☒
Fences	☒		
Fire Detection Equip.			☒
French Drain	☒		
Gas Fixtures	☒		
Natural Gas Lines	☒		

Item	Y	N	U
Liquid Propane Gas:		☒	
-LP Community (Captive)		☒	
-LP on Property		☒	
Hot Tub		☒	
Intercom System		☒	
Microwave	☒		
Outdoor Grill	☒		
Patio/Decking	☒		
Plumbing System	☒		
Pool		☒	
Pool Equipment		☒	
Pool Maint. Accessories		☒	
Pool Heater		☒	

Item	Y	N	U
Pump: ☐ sump ☐ grinder		☒	
Rain Gutters			☒
Range/Stove	☒		
Roof/Attic Vents			☒
Sauna		☒	
Smoke Detector	☒		
Smoke Detector – Hearing Impaired		☒	
Spa		☒	
Trash Compactor		☒	
TV Antenna		☒	
Washer/Dryer Hookup	☒		
Window Screens		☒	
Public Sewer System	☒		

Item	Y	N	U	Additional Information
Central A/C	☒			☒ electric ☐ gas number of units: 1
Evaporative Coolers		☒		number of units: _____
Wall/Window AC Units		☒		number of units: _____
Attic Fan(s)		☒		if yes, describe: _____
Central Heat	☒			☐ electric ☒ gas number of units: 1
Other Heat		☒		if yes, describe: _____
Oven	☒			number of ovens: 1 ☐ electric ☒ gas ☐ other: _____
Fireplace & Chimney		☒		☐ wood ☐ gas logs ☐ mock ☐ other: _____
Carport		☒		☐ attached ☐ not attached
Garage	☒			☐ attached ☒ not attached
Garage Door Openers	☒			number of units: 1 number of remotes: 1
Satellite Dish & Controls		☒		☐ owned ☐ leased from _____
Security System		☒		☐ owned ☐ leased from _____
Water Heater	☒			☐ electric ☒ gas ☐ other: _____ number of units: 1
Water Softener		☒		☐ owned ☐ leased from _____
Underground Lawn Sprinkler		☒		☐ automatic ☐ manual areas covered: _____
Septic / On-Site Sewer Facility		☒		if yes, attach Information About On-Site Sewer Facility (TAR-1407)

Concerning the Property at 536 Harvard St Houston, Tx 77007-2570

Water supply provided by: ☒ city ☐ well ☐ MUD ☐ co-op ☐ unknown ☐ other: _____
Was the Property built before 1978? ☒ yes ☐ no ☐ unknown
(If yes, complete, sign, and attach TAR-1906 concerning lead-based paint hazards).
Roof Type: Composition Shingle Age: 5yrs (per previous owner) (approximate)
Is there an overlay roof covering on the Property (shingles or roof covering placed over existing shingles or roof covering)?
☐ yes ☒ no ☐ unknown

Are you (Seller) aware of any of the items listed in this Section 1 that are not in working condition, that have defects, or are need of repair? ☐ yes ☒ no If yes, describe (attach additional sheets if necessary): _____

Section 2. Are you (Seller) aware of any defects or malfunctions in any of the following?: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Item	Y	N
Basement		X
Ceilings		X
Doors		X
Driveways		X
Electrical Systems		X
Exterior Walls		X

Item	Y	N
Floors		X
Foundation / Slab(s)		X
Interior Walls		X
Lighting Fixtures		X
Plumbing Systems		X
Roof		X

Item	Y	N
Sidewalks		X
Walls / Fences		X
Windows		X
Other Structural Components		X

If the answer to any of the items in Section 2 is yes, explain (attach additional sheets if necessary): _____

Section 3. Are you (Seller) aware of any of the following conditions: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Condition	Y	N
Aluminum Wiring		X
Asbestos Components		X
Diseased Trees: ☐ oak wilt ☐ _____		X
Endangered Species/Habitat on Property		X
Fault Lines		X
Hazardous or Toxic Waste		X
Improper Drainage		X
Intermittent or Weather Springs		X
Landfill		X
Lead-Based Paint or Lead-Based Pt. Hazards		X
Encroachments onto the Property		X
Improvements encroaching on others' property		X
Located in 100-year Floodplain		X
Located in Floodway		X
Present Flood Ins. Coverage (If yes, attach TAR-1414)		X
Previous Flooding into the Structures		X
Previous Flooding onto the Property		X
Located in Historic District	X	
Historic Property Designation		X
Previous Use of Premises for Manufacture of Methamphetamine		X

Condition	Y	N
Previous Foundation Repairs		X
Previous Roof Repairs		X
Other Structural Repairs		X
Radon Gas		X
Settling		X
Soil Movement		X
Subsurface Structure or Pits		X
Underground Storage Tanks		X
Unplatted Easements		X
Unrecorded Easements		X
Urea-formaldehyde Insulation		X
Water Penetration		X
Wetlands on Property		X
Wood Rot		X
Active infestation of termites or other wood destroying insects (WDI)		X
Previous treatment for termites or WDI		X
Previous termite or WDI damage repaired		X
Previous Fires		X
Termite or WDI damage needing repair		X
Single Blockable Main Drain in Pool/Hot Tub/Spa*		X

Concerning the Property at 536 Harvard St Houston, Tx 77007-2570

If the answer to any of the items in Section 3 is yes, explain (attach additional sheets if necessary): Located in Houston Heights Historic District

*A single blockable main drain may cause a suction entrapment hazard for an individual.

Section 4. Are you (Seller) aware of any item, equipment, or system in or on the Property that is in need of repair, which has not been previously disclosed in this notice? ☐ yes ☒ no If yes, explain (attach additional sheets if necessary):

Section 5. Are you (Seller) aware of any of the following (Mark Yes (Y) if you are aware. Mark No (N) if you are not aware.)

Y	N	
☐	☒	Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at the time.
☐	☒	Homeowners' associations or maintenance fees or assessments. If yes, complete the following: Name of association: Manager's name: Phone: Fees or assessments are: $ per and are: ☐ mandatory ☐ voluntary Any unpaid fees or assessment for the Property? ☐ yes ($) ☐ no If the Property is in more than one association, provide information about the other associations below or attach information to this notice.
☐	☒	Any common area (facilities such as pools, tennis courts, walkways, or other) co-owned in undivided interest with others. If yes, complete the following: Any optional user fees for common facilities charged? ☐ yes ☐ no If yes, describe:
☐	☒	Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.
☐	☒	Any lawsuits or other legal proceedings directly or indirectly affecting the Property. (Includes, but is not limited to: divorce, foreclosure, heirship, bankruptcy, and taxes.)
☐	☒	Any death on the Property except for those deaths caused by: natural causes, suicide, or accident unrelated to the condition of the Property.
☐	☒	Any condition on the Property which materially affects the health or safety of an individual.
☐	☒	Any repairs or treatments, other than routine maintenance, made to the Property to remediate environmental hazards such as asbestos, radon, lead-based paint, urea-formaldehyde, or mold. If yes, attach any certificates or other documentation identifying the extent of the remediation (for example, certificate of mold remediation or other remediation).
☐	☒	Any rainwater harvesting system located on the property that is larger than 500 gallons and that uses a public water supply as an auxiliary water source.
☐	☒	The Property is located in a propane gas system service area owned by a propane distribution system retailer.

Concerning the Property at 536 Harvard St Houston, Tx 77007-2570

If the answer to any of the items in Section 5 is yes, explain (attach additional sheets if necessary): _____

Section 6. Seller ☒ has ☐ **has not attached a survey of the Property.**

Section 7. Within the last 4 years, have you (Seller) received any written inspection reports from persons who regularly provide inspections and who are either licensed as inspectors or otherwise permitted by law to perform inspections? ☐ yes ☒ no If yes, attach copies and complete the following:

Inspection Date	Type	Name of Inspector	No. of Pages

Note: A buyer should not rely on the above-cited reports as a reflection of the current condition of the Property. A buyer should obtain inspections from inspectors chosen by the buyer.

Section 8. Check any tax exemption(s) which you (Seller) currently claim for the Property:

☐ Homestead ☐ Senior Citizen ☐ Disabled
☐ Wildlife Management ☐ Agricultural ☐ Disabled Veteran
☐ Other: _____ ☐ Unknown

Section 9. Have you (Seller) ever filed a claim for damage to the Property with any insurance provider? ☐ yes ☒ no

Section 10. Have you (Seller) ever received proceeds for a claim for damage to the Property (for example, an insurance claim or a settlement or award in a legal proceeding) and not used the proceeds to make the repairs for which the claim was made? ☐ yes ☒ no If yes, explain: _____

Section 11. Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766 of the Health and Safety Code?* ☐ unknown ☐ no ☒ yes. If no or unknown, explain. (Attach additional sheets if necessary): _____

**Chapter 766 of the Health and Safety Code requires one-family or two-family dwellings to have working smoke detectors installed in accordance with the requirements of the building code in effect in the area in which the dwelling is located, including performance, location, and power source requirements. If you do not know the building code requirements in effect in your area, you may check unknown above or contact your local building official for more information.*

A buyer may require a seller to install smoke detectors for the hearing impaired if: (1) the buyer or a member of the buyer's family who will reside in the dwelling is hearing-impaired; (2) the buyer gives the seller written evidence of the hearing impairment from a licensed physician; and (3) within 10 days after the effective date, the buyer makes a written request for the seller to install smoke detectors for the hearing-impaired and specifies the locations for installation. The parties may agree who will bear the cost of installing the smoke detectors and which brand of smoke detectors to install.

Concerning the Property at 536 Harvard St Houston, Tx 77007-2570

Seller acknowledges that the statements in this notice are true to the best of Seller's belief and that no person, including the broker(s), has instructed or influenced Seller to provide inaccurate information or to omit any material information.

William Radles 01/06/2016 17:30:12
Signature of Seller Date Signature of Seller Date

Printed Name: _____ Printed Name: _____

ADDITIONAL NOTICES TO BUYER:

(1) The Texas Department of Public Safety maintains a database that the public may search, at no cost, to determine if registered sex offenders are located in certain zip code areas. To search the database, visit www.txdps.state.tx.us . For information concerning past criminal activity in certain areas or neighborhoods, contact the local police department.

(2) If the property is located in a coastal area that is seaward of the Gulf Intracoastal Waterway or within 1,000 feet of the mean high tide bordering the Gulf of Mexico, the property may be subject to the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63, Natural Resources Code, respectively) and a beachfront construction certificate or dune protection permit may be required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.

(3) If you are basing your offers on square footage, measurements, or boundaries, you should have those items independently measured to verify any reported information.

(4) The following providers currently provide service to the property:

Electric:	Reliant	phone #:	855-350-8653
Sewer:	City of Houston	phone #:	713-837-0311
Water:	City of Houston	phone #:	713-371-1400
Cable:	NA	phone #:	
Trash:	City of Houston	phone #:	713-837-0311
Natural Gas:	Centerpoint	phone #:	713-659-2111
Phone Company:	NA	phone #:	
Propane:	NA	phone #:	

(5) This Seller's Disclosure Notice was completed by Seller as of the date signed. The brokers have relied on this notice as true and correct and have no reason to believe it to be false or inaccurate. YOU ARE ENCOURAGED TO HAVE AN INSPECTOR OF YOUR CHOICE INSPECT THE PROPERTY.

The undersigned Buyer acknowledges receipt of the foregoing notice.

Signature of Buyer Date Signature of Buyer Date

Printed Name: _____ Printed Name: _____

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ATTACHMENT E

PROPOSED REPLACEMENT DOOR