

# CITY OF HOUSTON

HISTORIC PRESERVATION APPEALS BOARD  
PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: 8/25/2025

## ITEM: III

**APPLICANT:** Kevin Simmons / Tabitha Hensley, owner

**PROPERTY ADDRESS:** 1138 W Fugate

**LEGAL DESCRIPTION:** Lot 10, Block 22 – North Norhill

**HISTORIC DISTRICT:** Norhill

### **Project Summary:**

**March 3, 2025:** Applicant submitted for a COA.

**March 17, 2025:** Staff met the agent and applicant at the residence to discuss the proposed project.

**April 1, 2025:** Staff and the structural inspector met with the applicant to discuss the condition of the brick.

**April 10, 2025:** HAHC acted on the COA to approve with conditions:

Accept the project as submitted with the condition that the open rafter tails remain, applicant can install fascia board and a suitable scratch face brick to be installed at the original contributing structure. The applicant spoke in opposition of the decision.

**April 11, 2025:** Applicant submitted a request to appeal the decision of the HAHC.

In accordance with Chapter 33 Section 33-253, the applicant is appealing the decision to the Historic Preservation Appeals Board (HPAB).

**May 19, 2025:** HPAB Meeting

The applicant appealed. HPAB acted on the appeal of the COA to reverse the decision of the HAHC with conditions: Accept the project as submitted with the condition that the open rafter tails remain, applicant can install fascia board and allow siding to be installed at the original contributing structure.

**June 4, 2025:** Staff Received a call from the owner that the building has collapsed

Staff contacted the inspector to meet at the site to review the condition of the building and take photos.

**June 16, 2025:** Staff spoke with inspections

Staff was informed that the building was a hazardous building and needed to come down as soon as possible.

Staff informed the owners that they needed to secure the site with a fence.

**July 17, 2025:** Staff recommended denial of a COA and Issuance of a COR for demolition

The HAHC approved staff recommendations and added the following conditions:

Denial of a COA and issuance of a COR for the illegal demolition of the property

Revocation of the previously approved COA for an alteration-addition.

Any new construction must apply for a COA to be reviewed by the HAHC, which must meet all applicable ordinances and codes.

The new construction must comply with the illegal demolition provision in the preservation ordinance.

***(See page 24 of July 17, 2025, staff report)***

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### **Project Description:**

Demolition – The applicant is proposing to:

Demolish existing contributing home.

The home significantly but partially collapsed during construction of the new, previously approved, addition. Due to the threat to life and safety significantly destabilized house posed, as seen by the City, the owner demolished what remained of the house.

### **Basis on the Houston Archaeological and Historic Commission's decisions:**

The HAHC acted on the COA per staff recommendation and issued a denial of a COA and issuance of a COR for the illegal demolition of the property.

### **Project Overview:**

The project proposes to demolish the existing garage and construct a new garage (which is a separate COA) and construct a two-story addition, consisting of a rear first floor addition with a second floor addition over the top of the first floor addition. The proposal includes the replacement of a non-original secondary front door with a new window that matches the adjacent windows to be inset and recessed. The house has always been a single family residence and not a duplex. Remove the existing brick which has been compromised over time and replace with 117 siding. The addition shall have a 7 over 12 roof slope, with a 26'-0" ridge height and a 19'-0" eave height. Replace the damaged windows with inset and recessed windows and repair the existing windows.

During construction, the interior walls were removed (gypsum board and shiplap) leaving only the studs at 24" on center. The rear exterior wall was fully demolished and both adjacent side walls were partially demolished, therefore leaving very little lateral bracing for the structure.

### **Grounds for Appeal:**

In accordance with Chapter 33 Section 33-253, the applicant is appealing the decision to the Historic Preservation Appeals Board (HPAB).

**EXHIBIT IA:** UNOFFICIAL TRANSCRIPT OF JULY 17, 2025, HAHC

**EXHIBIT IB:** UNOFFICIAL MINUTES, JULY 17, 2025, HAHC

**EXHIBIT IC:** STAFF REPORT, JULY 17, 2025, HAHC

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## EXHIBIT IA: UNOFFICIAL TRANSCRIPT OF JULY 17, 2025, HAHC

### Chair Bucek:

We've reviewed this under a different set of circumstances and Terrance is going to lead us into the this this current application.

### Terrance Jackson (Staff):

Yes, good afternoon chairperson and members of the HAHC.

This is staff person Terrance Jackson and today I submit to you item A7 at 1138 W Fugate A contributing A contributing home located in the North Norhill Historic District built circa 1925.

The property includes a 1,216 square foot one story wood frame single family residence situated on a 5000 square foot corner lot. The applicant proposes to demolish the existing contributing building.

The proposed project scope is as follows:

Demolished the existing contributing home.

Present the new design at a later date at a later HAHC meeting.

The home significant the home was significantly Excuse me. The home significantly but partially collapsed during construction of the new previously approved addition.

Due to the partial collapse during the construction phase for an issue COA, the building became a significant threat to life and safety.

And I'll just give you a timeline of events. I've been working on this project since March. The owner and I actually discussed them claiming me on their taxes.

So, on March 3rd, 2025, the COA application was submitted.

On April 10th, 2025, at the HAHC meeting, the HAHC acted on the COA to approve with conditions accepted the project that's submitted with the condition that the open Raptor tails remain.

Applicant can install fascia board and a suitable scratch face brick to be installed at the original contributing structure.

On May 19th, the project was appealed.

It went to the appeals board and the HPAB acted on the appeal of the COA to reverse the decision of the HAHC with conditions to accept the project. as submitted with the condition that the open rafter tails remain.

Applicant can install facial board and allow siding to be installed at the original contributing structure versus the brick.

On June 4th staff received a call from the owner that the building has collapsed.

Staff contacted the inspector to meet at the site to review the condition of the building and take take a few photos which you see in your packet.

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On June 16th, staff spoke with the inspectors and staff was informed that the building was hazardous and needed to come down as soon as possible because it was on the corner lot and staff informed the owners that they needed to do this and secure the site with the fence as well, which they did.

Staff recommends denial of a COA and issuance of a COR for demolition without a permit.

Chair members of the HAHC, I am available for any questions.

This concludes my presentation, thank you.

**Chair Bucek:**

Thank you, Terrance.

I do have one speaker signed up for this item.

**Terrance Jackson (Staff):**

Yes Sir.

**Chair Bucek:**

And so I want to 1st open the public hearing.

Just get any input I can and Virginia Kelsey is signed up, to speak on this item.

**Public Comment (V. Kelsey):**

I'm Virginia Kelsey, I'm the VP of nor Hill Neighborhood Association.

Let me say what y'all may be thinking and that is that anyone that knows much about construction can look at these photos and they could have foreseen that collapse of the structure was inevitable.

There was almost no bracing of the existing structure before a lot of the interior walls were all removed. The shiplap and very little structure of bracing was kept. I mean, I'm surprised it didn't collapse sooner than it collapsed it. There's no appreciation for how an old house is framed and they have mentioned something about weather conditions. That didn't have anything to do with this.

This was negligence on their part. The owner has made numerous false statements along the way telling us that there was no grade beam supporting the brick. The North Hill Neighborhood Association president myself were there and told them that they had to save every single brick that was possible. When they were moving the brick, the brick was in bad shape. Instead, they got rid of all the bricks without consulting Norhill and they wanted to blame the city. They have had an attorney send us a letter indicating their unwillingness to work with Norhill.

I was not aware until last week of the provision of 33-203, but now having reviewed the provision and talking to the board, we cannot imagine a better case for enforcing this provision. A clear message needs to be sent to developers that they cannot be neglectful in their practices.

**Commissioner McNeil:**

Motion to grant the speaker 2 minutes more time.

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**Commissioner Jones:**

Second Jones seconds.

**Chair Bucek:**

Please proceed

### Public Comment (V. Kelsey):

In their practices by destroying historic material. This owner has shown neglect of the historic material all along the way. The house was in bad condition, but they have done nothing to save it. That said, the Board is mixed as to their being required to wait two years to rebuild the house as it is deemed under this provision of the ordinance. It would seem that it might be in the best interest of the neighborhood for new structure limited to the size of the original home to be built.

This provision of limiting what could be built was included in the historic ordinance to prevent others from using neglect, neg negligent practices as a means of demolition. Any questions?

**Chair Bucek:**

Thank you.

OK, I'll close the public hearing if unless there's anyone else in the public you want to speak in this item that's present, not seeing when I'll close a public hearing.

Are there more questions of Terrance?

Terrance, I understand that because of this condition, the city needed to have this taken down because it was a safety threat for the if a child or something wandered into that work site and they could collapse on someone as well.

So that the structure itself, I believe is no longer the prep.

The foundation is still intact, but everything about the level of the foundation has been removed for public safety reasons.

**Terrance Jackson (Staff):**

Yes.

Yes, just for clarity and context to answer your question, yes, it is just a foundation that is, that is upright right now.

But because this project is at the corner of West Fugate and, Studewood, with Studewood being a major thoroughfare and there is there is currently a Metro bus stop right to the outside of that, right after discussing it with Pete, you know, it seemed that that was the right thing to do, to have it go ahead and come down. I mean it otherwise, you know, we just didn't want to run the risk of kids getting on the side or anything like that. It was a dangerous sight.

**Chair Bucek:**

So Terrance, can you repeat your recommendation just so maybe there may be more questions?

**Terrance Jackson (Staff):**

Yes, the Oh well, the recommendation is denial of a COA and issuance of a COR for demolition without a permit.

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I know the speaker mentioned section 33-203. I believe it is, but that's for you guys to discuss. Staff did not staff cannot go down that route. That's, that's totally up to you guys.

**Chair Bucek:**

But right now you're just asking for a COR for the demolition which is effectively already occurred in order to clear this phase of the project.

That's really the issue at hand. And then as far as what happens next.

**Commissioner Cosgrove:**

That's going to be my first point.

**Chair Bucek:**

Sure.

**Commissioner Cosgrove:**

Let me jump in. If it the, if this is an application for demolition, the application is incomplete and we should not be considering it at all today. The ordinance gives a set of instructions when when demolition is requested and none of them are in this packet, which would include the plans that they propose for the site and appraisal of the property. It's so, so this is an incomplete application.

**Terrance Jackson (Staff):**

So we, we requested that information. And I know, can I see that, please?

**Chair Bucek:**

And I'm not sure because the difference is the public safety hazard.

**Commissioner Cosgrove:**

I mean, I think the city would, but they're now applying for a permit. I mean, they're applying, it's a demolition application. They they shouldn't be.

I mean, they caused the property to collapse.

I mean, I mean, I have no trouble saying that this should be an illegal demolition.

I mean, it, it 100% is The pictures show no bracing.

I mean, they're doing a house across the street from me right now and I talked to Sam Gianukos he had them double brace it with like 2x6s to make sure when they raised it one block that it didn't fall down. And I see none of that going on in the pictures they provided.

So, but I'm just saying from a application standpoint, I don't believe it to be complete and we probably shouldn't really be considering it at all.

**Chair Bucek:**

Well, again, I just want to, I'm going to keep asking questions because this is not a C of A application that is a denial of A C of A for demolition.

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That's not because we're not approving the demolition as A C of A, it's it's a C of R because of where with the situation we're in for for life safety. What happens next is as was stated by the speaker is because this appears to be an illegal demolition and there are provisions in the ordinance for what can occur on this property going forward.

**Vice Chair Weidower-Jackson:**

But can we are those can we consider future in our discussion today? I mean, we do not have.

I would love to ask Terrance if the applicant has shared any thoughts or plans for a future application. But is that even in consideration?

**Terrance Jackson (Staff):**

So, so they already have an approved COA which they got approved through you guys partially and then went to for the addition.

**Terrance Jackson (Staff):**

Let me clarify that they have an approved COA for an addition which was approved by you guys which they appealed the scratch face brick condition, right, which was approved by the appeals board to allow them to, to install siding versus the scratch face brick.

I have been told that they are considering doing a redesign, but that could be based on what you guys discuss. I want to get back to Commissioner Cosgrove's comments.

We had a lot of discussions like because this is, this is a bit of anomaly, an anomaly. I mean, we had them fill out the demolition tracking list. We had them fill out all the information and you'll see on page, I guess this is 19, but it starts, let's see the information they submitted started starts on page 16.

They, they provided the cost information. They did respond to some of those questions about the appraisal and they're, I can't remember everything that they commented, but one of the responses to the appraisal was, I mean, they don't have any intention of selling the place. And I think in our discussions we kind of discussed, OK, well, if it's already been demolished, then what can we ask them to appraise? So...

**Commissioner Yap:**

Mr. Chair, can I just interject here?

**Terrance Jackson (Staff):**

Yes, Sir.

**Commissioner Yap:**

I, I have a question when I'm still unclear to me what what is demolish here means. OK, which is what I I'm not sure and I want to clarify. Are the floor still there, the original floor still there or is totally the whole thing plus the addition, the foundation of the addition is all removed.

It's a totally clean block.

**Terrance Jackson (Staff):**

What is there now is the existing foundation and the and the foundation...

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**Chair Bucek:**

And the floor, the floor joist and the floor joist.

**Commissioner Yap:**

So OK, so if I go back to. I saw a picture. So you are saying that the all the bricks are still there, right?

**Terrance Jackson (Staff):**

No, Sir.

**Commissioner Yap:**

The bricks.

**Terrance Jackson (Staff):**

Yeah.

**Terrance Jackson (Staff):**

Yeah, the the bricks.

**Commissioner Yap:**

Well, well, you said that there is floor joists.

Well, floor joists.

**Chair Bucek:**

But Commissioner Yap, when you were away with your surgery, we've been seeing this property for a number of meetings now and the brick fell off. A portion of the brick on this house fell off into the yard while there's some children were playing next to the wall and then the applicant proceeded to remove all the brick on the House.

**Commissioner Yap:**

No, I'm not talking about the brick wall. I'm talking about the foundation bricks. Are they still there?

Oh, I'm talking about the piers.

**Chair Bucek:**

You mean the piers?

**Terrance Jackson (Staff):**

Yes, Sir, the piers.

**Chair Bucek:**

The piers are still there.

The girders are still there.



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**Commissioner Yap:**

The piers are still there. The sill beams are there, The floor joists are there. And what about the floors on page 14 of 24? Are the original floors still there?

**Terrance Jackson (Staff):**

You know that I am not sure of some of them.

**Commissioner Yap:**

Some of them they're going to come back with some kind of a redo of the whole thing. Then I think they're going to remove all the floors too because it's sitting on ceiling, ceiling joists.

**Chair Bucek:**

Well, I, I think I think the issue for the city was what could fall on someone.

The walls and the ceiling. That's what was demolished. The perhaps some of the floors material still there on the inside, but it's mainly floor joists. It was not stated, but when addition to this balloon frame house, there was, they were starting to alter parts of the blue frame house to be western framing, which also lost integrity of, of the, the structure and it was embraced and there was no shoring, all of which you would have done if you were tuning up an old house.

**Chair Bucek:**

And they remove the shiplap on the walls, which is structural and is regulated by this Commission.

So like this Commission doesn't allow removal of shiplap on you because it's actually that's your that's part of your reinforcing and they also demolish that.

So I mean, the house is demolished. It appears to be an illegal demolition if it it appears to meet the letter. And I guess that's why I will I I would defer to our attorney Kim in that regard.

And while there was a C of A for a historic house, that C of A in my mind is somewhat like what maybe got demolished with this this action.

**Vice Chair Weidower-Jackson:**

But that's what I wanted to ask Kim.

Could this property owner move forward with that COA?

**Kim Mickelson:**

Yeah, that COA is based on the House that now apparently is no longer.

**Vice Chair Weidower-Jackson:**

So legally they they have no standing to proceed with any reconstruction on the site based on that COA.

**Kim Mickelson:**

Yeah, I think that's correct given what has occurred in between the issuance of that COA and today.

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**Vice Chair Weidower-Jackson:**

OK. So if we if, if that is, if we are relatively secure that construction or reconstruction could not begin based on that COA and nothing is before us today about any future reconstruction or construction, then we're voting on approving the demolition.

Is that right?

**Kim Mickelson:**

I would, I would add this, that this doesn't, there's nothing that prevents the applicants from coming back to you with a, would you reissue the C of A if we build on the same footprint, the same basic structure that was here as I think I heard

**Vice Chair Weidower-Jackson:**

And then we get to have that conversation about Section 33-203...

**Kim Mickelson:**

There not here today, etcetera.

**Commissioner Cosgrove:**

But in an illegal demolition, they would not be allowed to build what was proposed in the C of A.

**Kim Mickelson:**

That's the other discussion.

**Commissioner Cosgrove:**

That was, I mean, and I will say that Heights Blvd is our best. I believe most of us were involved in that.

I mean, and we did in that case allow them to keep the structure that was framed in after they demolished the original house. But we did not allow them to construct the ADU.

And then we limited I believe for 10 years. I believe that might have been even more, I mean, but something you know, right. I mean, so that's going to be an issue for us to deal with at some point.

But I would have preferred this to be a complete application where we could. I mean, I feel like it's incomplete because we don't know what their intention is.

**Kim Mickelson:**

And, and I understand that.

I'd invite the Commission to consider also there's a provision in the ordinance for emergency demolition and the building standards official can go out and declare this building substandard and take it completely down to the ground.

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**Commissioner Yap:**

Mr. Chair, that's where I get a hang up. OK, You guys are like ahead of me, OK, I'm hung up.

The fact that there are still a lot of historical material, OK, on this house that includes the seal beams, the floor joists and the floors, if they are still there, OK, Why aren't we talking about preserving those things right now as opposed to seeing a complete new...

**Vice Chair Weidower-Jackson:**

I think I've been in on that is because it's 10% of what was there.

**Terrance Jackson (Staff):**

Can I, can I just interject to, to, to that?

I spoke with Pete Stockton, I guess last week and maybe maybe it was 2 weeks ago, I'm not sure.

But we spoke about what is remaining. And according to Mr. Stockton, demolition means that everything should be gone. So that's going to be something that actually might come up in conversation later as well. So the fact that the foundation is still there right now doesn't necessarily prevent them from going to get rid of it because...

**Chair Bucek:**

Terrance, this is a C of R. So we can put a condition on this. We we can limit this demolition to what had to come off for public safety. And we can say that the original, at least the the foundation for the original home needs to remain intact.

**Terrance Jackson (Staff):**

OK.

**Chair Bucek:**

I mean, I believe we can.

**Kim Mickelson:**

Yeah. And I was going to ask earlier if if Pete or someone from HPW or from permitting was here and could speak to what they would mean by demolition. I do think it's possible for you all to try and put a condition on it to preserve whatever is left that can be stored off site.

But I, yeah, I don't know if.

Oh, there he is. And so, yeah, how how they would treat that.

**Pete Stockton (Inspector):**

Mr. Chair, Commission members, it's, it's nice to be here.

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**Chair Bucek:**

Thank you all for being here.

Mr. Stockton, we need you to, please announce your, announce your name for the record in the microphone.

**Pete Stockton (Inspector):**

Oh, hi. My name is Pete Stockton.

So typically demolition means to to code enforcement. Scrape the lot and grade it.

Bare dirt, ready to go, sewer capped, disconnected. It is not always the case that a demolition means a complete demolition. Somebody wants to stay in their garage apartment while they build their dream home upfront. They don't feel like committing to breaking out a slab and the they decide they're going to justify leaving it by putting up a basketball goal.

You know there are exceptions to the completely demolished and conditions on your approval are appropriate.

**Commissioner McNeil:**

Mr. Stockton, what's left on the lot?

**Pete Stockton (Inspector):**

Oh, OK, There's a picture coming.

You know, it's a wood crawl space foundation. There is some original flooring.

There are some original structural members under there.

So, well, there, there you go.

**Terrance Jackson (Staff):**

That's from June 25th.

**Pete Stockton (Inspector):**

Yeah, that that would be the porch.

**Commissioner Koush:**

So, so is this something that looks like we could they could build on top of that? Or do you think it would need to be taken to the ground and starting from scratch for whatever comes next?

**Pete Stockton (Inspector):**

You know, I honestly don't consider the what what I've seen of the original foundation to be an architectural gem, right? I think that it, it doesn't matter one way or the other whether you know, the original is scabbed onto and and retained.

I, I look at it and I do not envision that as a starting point for future work. However, a structural engineer could look at it and write a letter and, you know, you could scab on a new joist to every single broken or bad joist there and leave it.

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**Commissioner Stava:**

So, Commissioner, I have a question, if I may. It looks like it's been a demolition.

It's it looks like seemingly it was done on purpose, but they left the floor there. Is there a reason that was that is that able to be able to keep that grandfathered in so that that way they removed it all?

They could follow the code you think to make it a bigger set back or...

**Pete Stockton (Inspector):**

You know, that's possibly a consideration, except a set back is going to deal with a wall. My understanding is that as long as a wall remains intact, that grandfather's a set back, not a foundation.

**Chair Bucek:**

Well, and I, but I think the provisions made in the code number of years ago because I remember they're seeing a lot of projects, one stud standing saying, well, there's the wall stud. And therefore I can maintain the set back and then the city not not in with not in the historic ordinance, but in just in the general code enforcement define existing walls to be a certain percentage. And once you remove certain percentage, it's a demolition.

So that kind of you, you lose that great grandfather to what I, what I recall.

**Pete Stockton (Inspector):**

Right, right and I I would like to just point out the code word interpretation B28 that's in the package 23.

So the way that that's there, if you could zoom in a little bit on the chart, if you can, there's a lot of considerations and wherefores and, and in in, in my mind, it's very simple. Demolition has occurred.

OK, you know, we can say partial demolition or, or whatever, but you know, this is this is how we determine whether a demolition has occurred. And the definition right up there D building demolition, right? We use a formula and you input the original quantity for square footage, for roof footage and for linear feet of exterior wall. And then you compare that to what's left and you know, if the ratio comes out higher than 1.5, that's demolished.

So it's a new house that would have to go back there. Whether we try to keep some footings and sills or not is not really a again, what I saw what's there is of dubious historical value maybe in my opinion.

**Commissioner Yap:**

Pete, I think I'm with you on this regard. If if the if the if the Commission does not put language in the COR that says we have to maintain the the Piers and the seal all the way up to preserve the floors, then I will consider this a new construction. And the person which I think did this on purpose should not be allowed to hold on to the previous setbacks because as a new construction, the new rules come in set back now is 5 feet and not 3 feet anymore.

So that's how I would like to see that play because I don't want the person to just keep that little bit and then they can build out to that old set back. If this is a new construction, then tear everything out and build it as a new building because they're going to get more money out of building a new build, new structure and selling it again.

**Pete Stockton (Inspector):**

Yeah, Yeah. As far as the fire separation...

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Meeting Date: 8/25/2025

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**APPLICANT:** Kevin Simmons / Tabitha Hensley, owner

**PROPERTY ADDRESS:** 1138 W Fugate

**LEGAL DESCRIPTION:** Lot 10, Block 22 – North Norhill

**HISTORIC DISTRICT:** Norhill

**Commissioner Yap:**

3 feet from the set back. But now if it is new construction, it has to be 5 feet now.

**Pete Stockton (Inspector):**

Dominic Commissioner Yap actually for fire separation distance, for fire separation distance, it can be 3 feet provided that you build a A rated wall assembly.

**Chair Bucek:**

It's it's a one hour wall, I think.

**Commissioner Yap:**

Yeah, but so you have you have to put a fire rated sheet roll out there to get right.

**Pete Stockton (Inspector):**

There are provisions for different ways to to achieve that rating.

**Chair Bucek:**

Commissioner Koush

**Commissioner Koush:**

OK so we're being asked to see decide if it's a denial of the COA and issue of the COR for demolition and we're not asked to talk about what they're going to do next. I think at this point so why don't we can can we focus on on that and then...

**Chair Bucek::**

You can make a motion.

**Commissioner Koush:**

Yeah, I'd like to make a motion. Should we follow staff's recommendation.

**Roman McAllen (Staff):**

Let me I'm sorry to interrupt commissioners.

**Roman McAllen (Staff):**

I, I pulled up the item on Heights Blvd. Where the report that resulted from that similar circumstance on Heights Blvd. because I seem to recall that it was at this stage where some where something influenced what happened.

**Chair Bucek:**

It was the framer.

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**Roman McAllen (Staff):**

And so the answer there was that back then the this Commission denied the issuance of a C of A and it and issued a C of R in that case for the applicant to deck and sheath the new construction to structurally stabilize it. And I believe what was that happened because they had the new floor deck.

**Commissioner Koush:**

But but in that case, the owner was there and they were like petitioning for it. We don't have anyone to say what they want to do. So we're we don't have that situation in this case.

**Roman McAllen (Staff):**

OK, well, but I have AI.

**Kim Mickelson:**

The owner is not here to speak about what's intentional.

**Commissioner McNeil:**

So I second Commissioner Koush's motion.

**Roman McAllen (Staff):**

I need to make a point. I'd like to make a point to Commissioner Cosgrove's point. If you issue a C of R, it takes the place of a certificate of appropriateness and I I foresee then an argument possibly being made that then they don't have to be constrained by the two year limit that's later in the code.

**Chair Bucek:**

I I don't see that a demolition is a demolition.

**Kim Mickelson:**

You can make that clear in the comments and in the and in the motion.

I'm sorry, they need to come back because they are not here to speak today.

**Commissioner Cosgrove:**

I think we need to make it clear because they're not here to we're classifying and they're they're not what demolition?

**Commissioner Curry:**

Wait, wait, we got two things happening at once. I'm, I'm sorry, could you repeat what you just said?

**Kim Mickelson:**

I, I was going to say we can make that clear in the, either in the motion here that you know that to, to make it clear,

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this is not a get out of jail free card. This is to deal with an immediate issue that's on the ground and that they have to come back when they want that, when they are ready to, to reconstruct.

**Commissioner Koush:**

So, so then do I need to add something to my motion that I made that's been seconded?

**Kim Mickelson:**

You can say what she said if you want.

What what we don't have to call it a get out of jail free card, and just go

**Commissioner Koush:**

What the legal counsel said, I want that to be added to them

**Kim Mickelson:**

With the understanding that maybe add to your motion that with the understanding that they have to come back for any new construction on the site,

**Commissioner Koush:**

That they have to come back for any new construction on the site.

**Chair Bucek:**

But I think you, but if I understand.

**Commissioner Cosgrove:**

Why are we even voting on it? I mean, if they've already demolished it, what, what difference does it make whether we vote on this or not?

**Commissioner Koush:**

Isn't this a procedural thing?

Like, I mean, to issue it so that we couldn't have it in the system.

**Commissioner Yap:**

Not really because but

**Commissioner Cosgrove:**

They still have to come back with a whole new proposal for the site. I mean, I'm not understanding what this step is that we're doing.



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The House is not there. There's no threat to anybody.

They should be asked to preserve what is there until they come up with a new C of A for what they want to do, knowing that they shouldn't go beyond the footprint of the original house.

**Commissioner Yap:**

Commissioner Couch, your recommend, your recommendation right now to the COR, Does it include language of still existing historic material that's still there standing or you're just you don't care about it anymore? What is your recommend.

**Commissioner Koush:**

Based on what Pete Stockton said, I don't care about it.

**Commissioner Yap:**

OK, so they can come back and just tear everything off?

**Commissioner Koush:**

Yes.

**Commissioner Cosgrove:**

But I think they should have to retain that until they get a C of A so that we know what footprint the house should be in. You know what I'm saying?

**Commissioner Koush:**

Like the drawings from the original application that show that there's a site.

**Commissioner Cosgrove:**

I don't I don't know what the drawings show on the could.

**Commissioner Koush:**

It's it there's no application.

**Commissioner Cosgrove:**

I mean, I just don't remember if they, you know, how detailed they were.

**Commissioner Koush:**

They they have to have a site plan to get a permit, construction permit.

**Chair Bucek:**

Terrance, you wanted to add something?

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**Terrance Jackson (Staff):**

Well, I was just going, I was talking to the preservation officer and you know, it's going to make a suggestion. I mean, I don't, I don't know if you guys would want to do this, but maybe it could be deferred until they come back with the new construction.

**Vice Chair Weidower-Jackson:**

I want, I want to pass this as an illegal demolition. And then they, we can have the discussion when and if they come back to us about what it looks like, what it looks like and if they can proceed.

**Commissioner Cosgrove:**

If it's an illegal demolition. Why are we even voting on a C of R?

Why are we just not denying?

**Commissioner McNeil:**

Roman, why is this in front of us then?

**Commissioner Cosgrove:**

I mean, 'cause I feel like we're telling them it's OK to have demolished it by giving them ACR. What we really want to say is we're denying the demolition.

**Commissioner McNeil:**

They didn't even do the demolition. The city, Houston demolished it because it was a no.

**Commissioner Cosgrove:**

No, they did it at their, they did it on their dime. So, so I guess I feel like the motion should be we're denying the demolition of the house.

**Commissioner Koush:**

I think a C of R comes with it automatically because there's been other cases where they've taken windows out and stuff when we issue the C of R, even though we don't like they can replace the windows.

**Chair Bucek:**

I think my question for legal counsel is simply this. I think I'm sensing, and we can vote if we had the language that the illegal demolition in whatever motion is currently been seconded.

But is that from your perspective? We need to add that to the language if we approve the C of R, that we recognize this as a legal demolition.

**Kim Mickelson:**

You can do that

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**Chair Bucek:**

And that we accept the C of R, but but that we also acknowledge that it is an illegal demolition of the structure and therefore all options remain going forward. Whenever they come back, they they could never rebuild it.

**Vice Chair Weidower-Jackson:**

What happens if we don't, if we don't take any action on it?

**Kim Mickelson:**

I, I think part of it to Commissioners Cosgrove, Cosgrove's question about, you know, why are you doing this is part of it is procedural.

You know, our ordinance contemplates that if someone acts without a permit or whether this was an accident or not, or you know, a miscalculation on the, you know, during the, during the reconstruction process, if something's not done in accordance with the C of A, then they come back and ask for that, you know, whether it's forgiveness or additional permission.

This clears the ground to not literally not not clearing the ground.

This sets the path forward. It's a better way to say that for them then coming back for a C of A for new construction. You're not reconsidering this and saying, well, you know, what happened to the old C of A the, the action. I think on the C of R, you could add the, you know, the make it clear they have to come back for a for any new construction that it revokes the old C of A, I think you added one other thing.

**Chair Bucek:**

And I, I just stated that that it is a demolition. This is still it is, I mean the, our, our head building inspector.

So the inspector has clearly shown to us this is a demolition and therefore the revisions of demolition are now invoked for this said property. So I just think if we add that caveat to the motion, then at least we've done what you have advised us.

**Commissioner Sepulveda:**

Chair Bucek, should we declare that this was an illegal demolition in the motion?

**Chair Bucek:**

I'm I'm hearing what we need to do that that's the recommendation from our legal counsel.

**Commissioner Yap:**

And then I also like the language that what Kim just said that a new, a new construction has to go in there. And so the the owners don't come back and said, OK, you know what, we can use the old, the old because there was existing something, something there.

Therefore, we want to use the old news. If we're going to tear this down, it illegally did it. I want it to be a new construction and they don't get tax credits for it anymore. As well, Yeah, so and then follow new codes.

**Commissioner Koush:**

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So so can can you help guide me through what I need to say because now I'm I'm seeing entirely certain about what I need to say.

**Kim Mickelson:**

I'm seeing about 6 conditions in this motion so far.

Motion to approve staff recommendation.

**Commissioner Koush:**

Yes.

**Kim Mickelson:**

Issuance of a C of R for the illegal demolition of the property.

**Commissioner Koush:**

OK.

**Kim Mickelson:**

The revocation of the previously approved C of A, any new construction has to come back before the Commission.

The question to Commissioner Yap's point, I think anything new comes back to and meets all applicable codes.

Does that work?

And I I say it that way, let me tell you just in case, if they have a valid argument vis A vis the building code with where setbacks are measured from, that's a building code permitting question, I think not this well, some commissions so.

**Commissioner Cosgrove:**

And the new construction would need to comply with the illegal demolition provision.

**Commissioner Koush:**

Yeah, that's yes, Yeah.

**Chair Bucek:**

I mean, OK, so your statement of the motion

**Commissioner Koush:**

Historic setbacks are going to be more strict than the building setbacks in general,

**Chair Bucek:**

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But do you accept that you you accept the language and Commissioner McNeil you...

**Commissioner Yap:**

Yap seconds.

**Commissioner McNeil:**

I fully agree with your caption.

**Chair Bucek:**

Beautiful.

OK.

And staff has the language, all in favor of that motion?

**Houston Archaeological Historic Commission (HAHC):**

Aye.

**Chair Bucek:**

Any opposed and somebody any abstentions?

OK, we move on to the next item.

**Terrance Jackson (Staff):**

Thank you.

**Kim Mickelson:**

Luckily this meeting is also taped.

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## EXHIBIT IB: UNOFFICIAL MINUTES

DRAFT

**HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION MINUTES**  
**THURSDAY, 17 JULY 2025**  
**CITY HALL ANNEX, 900 BAGBY ST., PUBLIC LEVEL, HOUSTON TX 77002**

Call to Order and Roll Call by Chair Bucek at 2:31 PM

Commissioners	Quorum – Present / Absent
David Bucek, Chair	Present
Beth Wiedower Jackson, Vice Chair	Present
Shantel Blakely	Present at 2:48 during Item 1
John Cosgrove	Present
Steven Curry	Present
Ashley Jones	Present
Ben Koush	Present, left at 6:53 during Item D
Stephen McNiel	Present, left at 6:53 during Item D
Rhonda Sepulveda	Present at 3:49 during Item 1, left at 6:12 during Item 15
Charles Stava	Present, left at 6:49 during Item D
Dominic Yap	Present
Robert Williamson, Secretary	Present

Legal Department • Kim Mickelson  
Ex-Officio Members • Marta Crinejo, Mayor's Liaison to HAHC  
Ginger Berni, Architectural Archivist, HHRC

**Chair's Report**, David Bucek, Chair, announced speaker rules and meeting procedures.

**Director's Report**, Robert Williamson, Secretary and Deputy Director for the Planning and Development Department, Completions are under way with the Norhill Design Guideline, more details coming soon.

The Office of Preservation was awarded a matching grant to have a National Register of Historic District created of Lyons Avenue in the Fifth Ward. Part of this grant was to bring in a consulting firm (Stantec) to conduct fieldwork, survey the area, conduct research, etc. Part of this initial phase is having a public meeting to kick start community involvement. The public meeting is scheduled to take place on Thursday, July 31, 6:30pm-8:00pm at the Fifth Ward Multi-Service Center, 4014 Market Street, Houston, TX 77020. Office of Preservation is co-hosting the process for listing a 4-block portion of Lyons Avenue on the National Register of Historic Places. This stems from the Certified Local Government grant the office was awarded to prepare the listing.

Welcomed Benjamin Valdez, summer inter.

**Mayor Liaison's Report** – None

## APPROVAL OF MINUTES

Consideration of June 5, 2025, HAHC meeting minutes

Motion: Wiedower Jackson

Second: Cosgrove

Vote: Unanimous

Opposed: None

### A. CONSIDERATION OF AND POSSIBLE ACTION ON CERTIFICATE OF APPROPRIATENESS FOR APPLICATIONS FOR CONSENT AGENDA:

#	Address	Application Type	Historic District PLM/LM	Staff Recommendation
1	10 Courtlandt Pl	New Construction – SFR	Courtlandt Place	Approval
2	3376 Inwood Dr	Alteration – Addition	PLM: William L. Clayton Summer House	Approval
3	3376 Inwood Dr	New Construction – Garage	PLM: William L. Clayton Summer House	Approval
4	908 Key St	Alteration – Other	Norhill	Partial Approval
5	701 Key St	Alteration – Other	Norhill	Approval w/Conditions
6	1108 E. 16th St	Alteration – Windows	Norhill	Denial
7	1138 Fugate St	Demolition – Single Family Residence	Norhill	Denial, Issuance of COR
8	2009 W Gray St	Alteration – Sign	LM: River Oaks Theatre & Shopping Center	Approval
9	7618 Cayton Ave	Alteration – Addition	Glenbrook Valley	Defer, per Applicant
10	1215 Ashland St	Alteration – Addition	Houston Heights West	Approval
11	2111 Union St	Alteration – Addition & Roof	Old Sixth Ward	Approval
12	417 Highland St	New Construction – Garage/GarApt	Woodland Heights	Approval
13	7735 Meadville St	Alteration – Windows, Siding	Glenbrook Valley	Withdrawn
14	1534 Allston St	Alteration – Addition	Houston Heights West	Approval w/Conditions
15	625 Cortlandt St	Alteration – Addition	Houston Heights South	Denial
16	7907 Glen Prairie St	Alteration – Windows, Siding	Glenbrook Valley	Denial, Issuance of COR
17	817 Columbia St	Alteration – Addition	Houston Heights South	Approval w/Conditions

Staff recommendation: Approve Item(s) A. 2, 3, 4, 5, 8, 9, 13, 14, 16 and 17.

Commission action: Accepted staff recommendations for Item(s) A. 2, 3, 4, 5, 8, 9, 13, 14, 16 and 17, Certificates of Appropriateness (COA) and Certificates of Remediation (COR).

Speaker(s): None

Motion: Cosgrove

Second: Koush

Vote: Unanimous

Opposed: None



#### **A.1. 10 COURTLANDT PLACE**

Staff recommendation: Approval.

Commission action: Accepts staff recommendation for approval, with the condition, the roof on the right-side addition be flat or low pitch and all the balustrades in the front of the house are the same height and the entire house be set back in line with the front of No. 8 (believed to be somewhere between 5-10 feet). Adding the two windows between the pilers east side elevation, would have 2 windows installed on the east elevation, the windows to be installed on the east elevation that match the 3 windows or fixed doors on the front elevation, and finally staff it to review the final submission before issuing the COA.

Speaker(s): Todd Blitzer, Anna Peikert – applicant, Glenn Rennels, Natalie Roff, Ginger Napier, Robert Parke, August Lander

Motion: McNiel

Second: Cosgrove

Vote: Carried

Opposed: Blakely, Stava, Wiedower Jackson

Abstained: Sepulveda

#### **A.6. 1108 E. 16TH STREET**

Staff recommendation: Denial.

Commission action: Denied.

Speaker(s): Virginia Kelsey

Motion: Yap

Vote: Unanimous

Second: Stava

Opposed: None

#### **ITEMS WERE TAKEN OUT OF ORDER; ITEM 10 WAS TAKEN AT THIS TIME.**

Motion: Cosgrove

Vote: Unanimous

Second: Wiedower Jackson

Opposed: None

#### **A.10. 1215 ASHLAND STREET**

Staff recommendation: Approval.

Commission action: Accepts staff's recommendation with the condition to lower the first-floor plate height, in the addition, be reduced from 10 to 9 feet and the second-floor plate height be reduced from 9 to 8 feet, adding to remove the two brackets from the addition façade.

Speaker(s): Toufic Halabi – applicant

Motion: Wiedower Jackson

Vote: Carried

Second: Cosgrove

Opposed: Curry, Yap

#### **A.7. 1138 FUGATE STREET**

Staff recommendation: Denial of COA, and Issuance of COR for demolition.

Commission action: Accepts staff recommendation, issuance of COR for the illegal demolition of the property, the revocation of the previously approved COA, any new construction will be brought back to this commission to meet all applicable codes.

Speaker(s): Virginia Kelsey, Pete Stockton

Motion: Koush

Vote: Unanimous

Second: McNiel

Opposed: None

#### **A.11. 2111 UNION STREET**

Staff recommendation: Approval with conditions: that the skirt board & cap be retained on new walls as well as the horizontal wide trim board at the top of the walls and the vertical trim board be retained as drawn differentiating original house from non-original addition.

Commission action: Approved, to accept staff's recommendation with the condition of an off set of 4" on both sides.

Speaker(s): None

Motion: Stava

Second: McNiel

Vote: Carried

Opposed: Wiedower Jackson

#### **A.12. 417 HIGHLAND STREET**

Staff recommendation: Approval with condition that the addition be pushed back to the original opening to the screen porch at the rear of the left elevation.

Commission action: Defer, to have applicant come back with a better plan that will not include moving the historic home.

Speaker(s): Nick Eronko, applicant

Motion: Koush

Second: McNiel

Vote: Unanimous

Opposed: None

#### **A.15. 625 CORTLANDT STREET**

Staff recommendation: Denial does not satisfy criteria.

Commission action: Approve, with the condition to move back 2 feet and lower it by 1 foot.

Speaker(s): Mark Schartz

Motion: Koush

Second: Curry

Vote: Carried

Opposed: Yap

**B. COMMENTS FROM THE PUBLIC** – Virginia Kelsey, asked where the new guidelines will be posted, invited commission to join their neighborhood meetings.

#### **C. COMMENTS FROM THE HAHC –**

Cosgrove, asked status on a property, staff member Cara Quigly, address property on 721

Columbia Street, is on hold. Looking for better ways to preserve this property

Dominic Yap expressed his due diligence on the process of the commission meetings.

Wiedower Jackson wanted to clarify who is in charge, it is to move forward with meetings for discussion with the two commissions, HAHC & HPAB. Discussion around the horseshoe was the consensus of what will be discussed.

**D. HISTORIC PRESERVATION OFFICER’S REPORT** – Roman McAllen, addressed comments of the HAHC on Item C.

**E. ADJOURNMENT**

There being no further business brought before the Commission, Chair David Bucek adjourned the meeting at 6:56 PM.

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David Bucek, Chair

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Robert Williamson, Secretary

# CITY OF HOUSTON

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Meeting Date: 8/25/2025

**ITEM: III**

**APPLICANT:** Kevin Simmons / Tabitha Hensley, owner

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**LEGAL DESCRIPTION:** Lot 10, Block 22 – North Norhill

**HISTORIC DISTRICT:** Norhill

## **EXHIBIT IC: STAFF REPORT**

DRAFT

## CERTIFICATE OF APPROPRIATENESS

**Applicant:** Tabitha Hensley/Kevin Simmons, owners

**Property:** 1138 W Fugate Street Lot 10 Block 22, North Norhill Subdivision. The property included a 1,216 square foot, brick single-family residence situated on a 5,000 square foot (50' x 100') corner lot.

**Significance:** Contributing Brick Bungalow, constructed circa 1925, located in the Norhill Historic District.

**Proposal:** Demolition – The applicant is proposing the following:

- Demolish existing contributing home.
- Present the new design at a later HAHC meeting date.
- The home significantly but partially collapsed during construction of the new, previously approved, addition. Due to the threat to life and safety significantly destabilized house posed, as seen by the City, the owner demolished what remained of the house.

See enclosed application materials and detailed project description for further details.

**Civic Association:** Norhill Neighborhood Association No Comment.

**Recommendation:** Denial of COA and Issuance of a COR for Demolition

**HAHC Action:** Approved with Conditions:

Denial of a COA and issuance of a COR for the illegal demolition of the property.

Revocation of the previously approved COA for an alteration-addition.

Any new construction must apply for a COA to be reviewed by the HAHC, which must meet all applicable ordinances and codes.

The new construction must comply with the illegal demolition provision in the preservation ordinance.

*All materials in exterior walls, including windows, siding, framing lumber, and interior shiplap must be retained except where removal or replacement has been explicitly approved by HAHC. Shiplap is an integral structural component of the exterior wall assembly in balloon framed structures and its removal can cause torqueing, twisting and collapse of exterior walls. Shiplap may be carefully shored and removed in small portions to insulate, run wire or plumbing, and should be replaced when the work is complete. Maintenance and minor in-kind repairs of exterior materials may be undertaken without HAHC approval, but if extensive damage of any exterior wall element is encountered during construction, contact staff before removing or replacing the materials. A revised COA may be required.*

## CERTIFICATE OF APPROPRIATENESS

**Basis for Issuance:** HAHC Approval

**Effective:** July 18, 2025



**PLANNING &  
DEVELOPMENT  
DEPARTMENT**

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.

**DEMOLITION OF A LANDMARK, PROTECTED LANDMARK,  
CONTRIBUTING STRUCTURE, OR WITHIN AN ARCHAEOLOGICAL SITE**

Sec. 33-247(a): The issuance of a certificate of appropriateness for the demolition of a landmark, a protected landmark, or a contributing structure, or for the demolition of a building, structure or object on or in an archaeological site shall be granted only if:

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | (1) The building, structure, or object has seriously deteriorated to an unusable state and is beyond reasonable repair; and<br><i>Due to the partial collapse during the construction phase for an issued COA the building became a significant threat to life and safety.</i>  |
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | (2) The HAHC finds, based on the preponderance of credible evidence presented subject to the establishment by the applicant, the existence of an unreasonable economic hardship under subsection (c) of this section or the establishment of an unusual and compelling circumstance pursuant to subsection (d) of this section. |

(c) Determination of the existence of an **unreasonable economic hardship** shall be based upon the following criteria:

- |   |   |
|---|---|
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | (1) That the property is incapable of earning a reasonable return, regardless of whether the return is the most profitable return, including without limitation, regardless of whether the costs of maintenance or improvement of the property exceed its fair market value;  |
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | (2) That the owner has demonstrated that the property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;   |
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | (3) That the owner has demonstrated reasonable efforts to find a purchaser or lessee interested in acquiring the property and preserving it, and that those efforts have failed; and  |
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | (4) If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation |

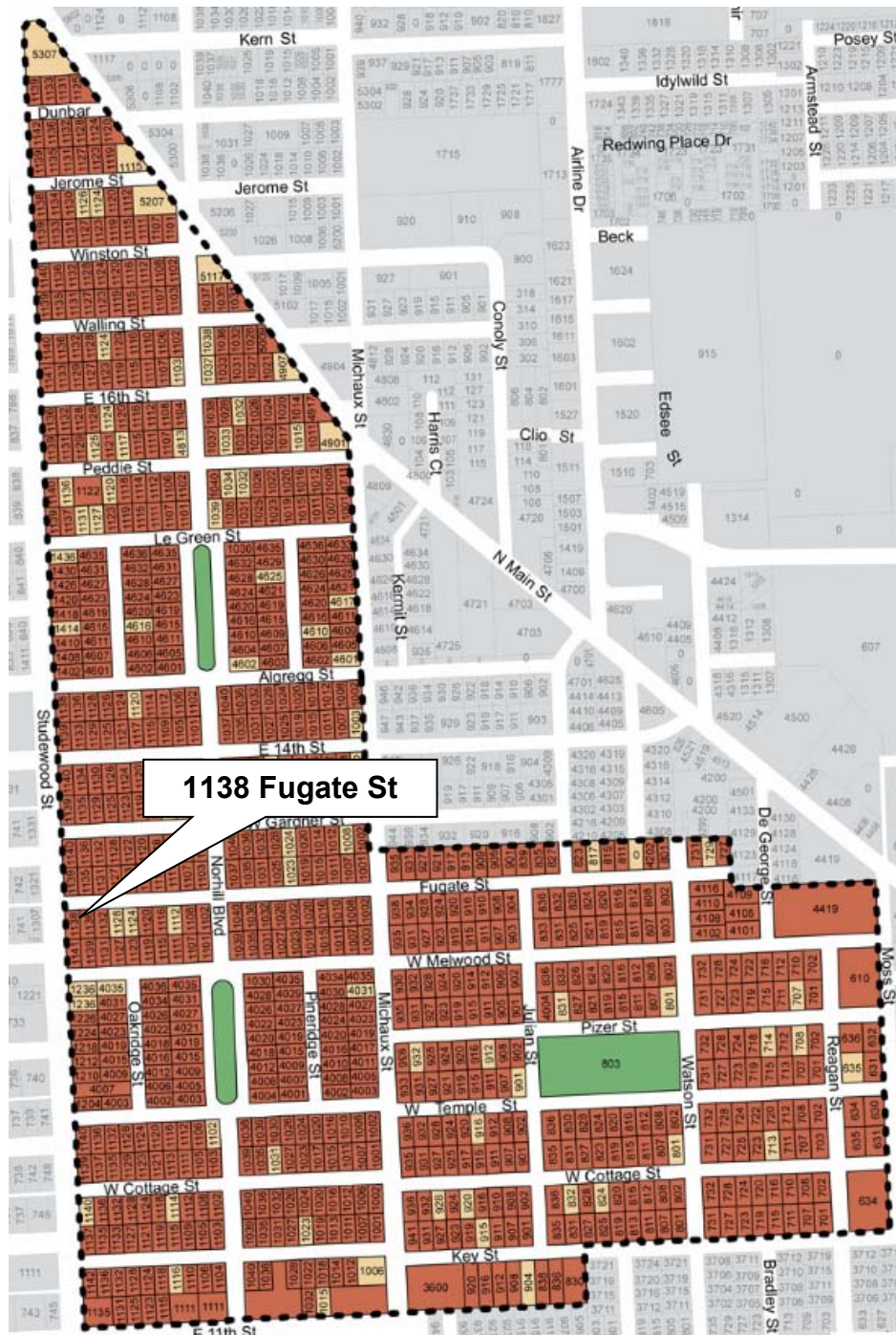
**OR**

(d) Determination of the existence of an **unusual and compelling circumstance** shall be based upon the following criteria:

- |   |  |
|---|--|
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | (1) That current information does not support the historic or archaeological significance of this building, structure or object or its importance to the integrity of an historic district, if applicable;                               |
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | (2) Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the context area; and |
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | (3) Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect.  |



**PROPERTY LOCATION**  
**NORHILL HISTORIC DISTRICT**



**Building Classification**

- Contributing
- Non-Contributing
- Park



INVENTORY PHOTO



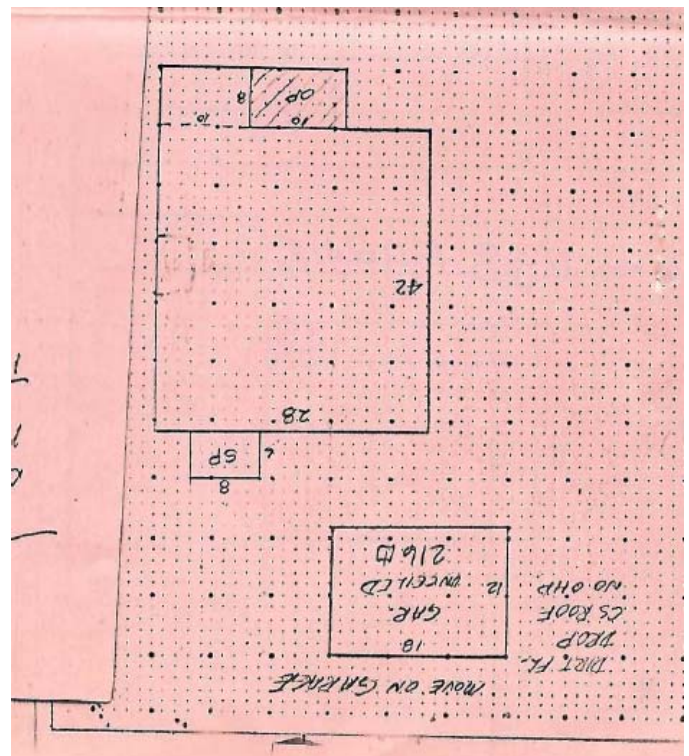
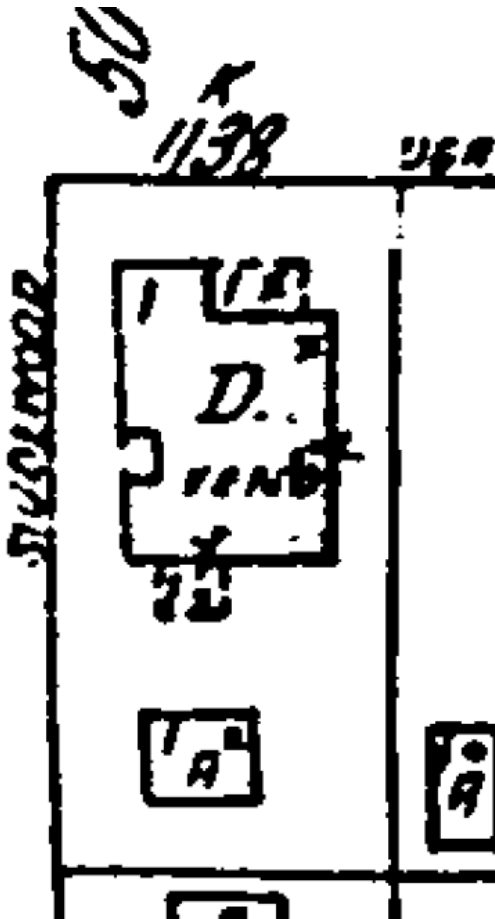
*Figure 1- Original House*



*Figure 2- Garage*



1924-1951 SANBORN MAP & BLA 1969



**1138 FUGATE TIMELINE OF EVENTS:**

**March 3, 2025**

COA Application Submitted

**April 10, 2025**

HAHC Meeting

- HAHC acted on the COA to approve with conditions: Accepted the project as submitted with the condition that the open rafter tails remain, applicant can install fascia board and a suitable scratch face brick to be installed at the original contributing structure.

**May 19, 2025**

HPAB Meeting

- Applicant appealed. HPAB acted on the appeal of the COA to reverse the decision of the HAHC with conditions: Accept the project as submitted with the condition that the open rafter tails remain, applicant can install fascia board and allow siding to be installed at the original contributing structure.

**June 4, 2025**

Staff Received a call from the owner that the building has collapsed

- Staff contacted the inspector to meet at the site to review the condition of the building and take photos.

**June 16, 2025**

Staff spoke with inspections

- Staff was informed that the building was hazardous and needed to come down as soon as possible.
- Staff informed the owners that they needed to secure the site with a fence.

PHOTOS



















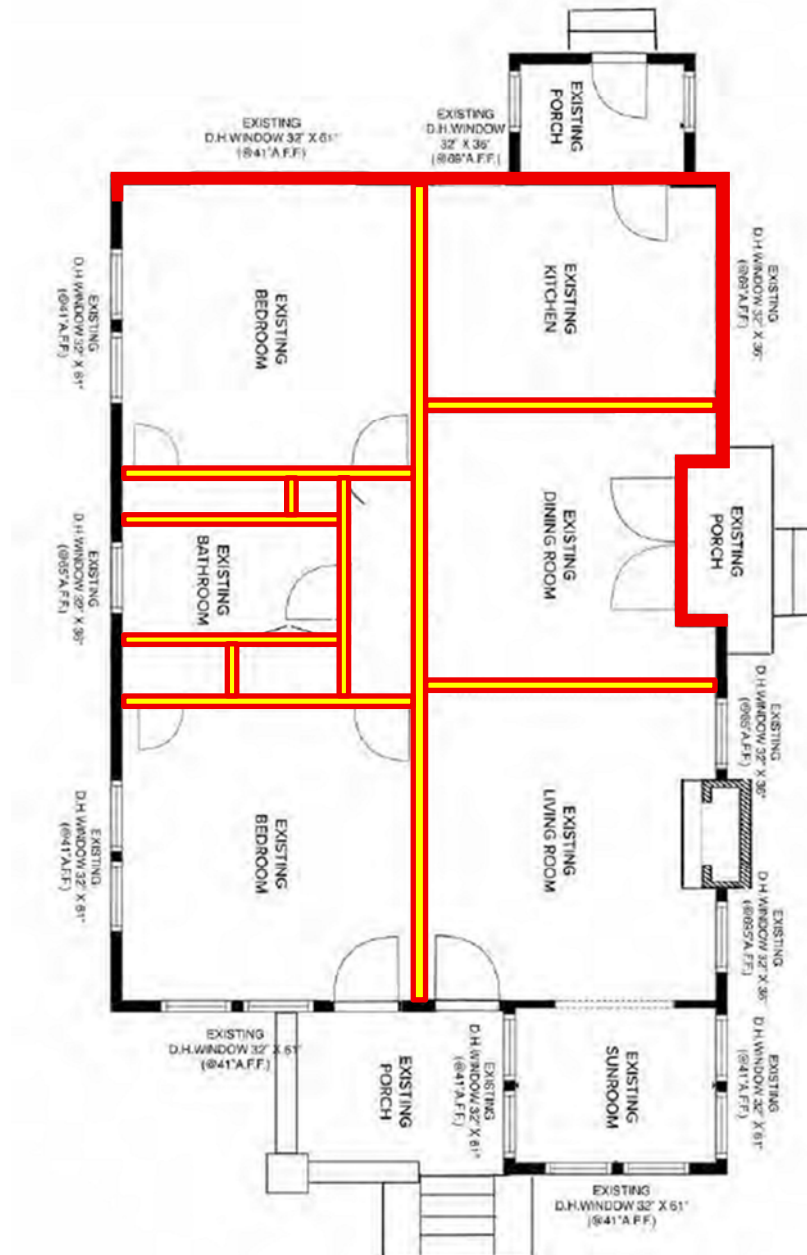








## EXISTING HOME

JUNE 4<sup>th</sup> VISIT

UPON ARRIVAL, STAFF NOTICED THAT THERE WAS A FULL DEMOLITION OF THE REAR WALL AND A PARTIAL DEMOLITION OF THE TWO SIDE WALLS. THE RED REPRESENTS THE PORTION OF THE WALLS THAT WERE DEMOLISHED. THIS IS AN APPROXIMATE DEPICTION OF STAFF'S REVIEW.

PLEASE SEE THE PHOTOS INCLUDED IN THIS PACKAGE.

**COST SUMMARY****Cost Incurred as of June 23 2025 for 1138 Fugate St**

<b>Group Description</b>	<b>Cost Incurred</b>
Architect/Eng Design	7850
Concrete	12001.14
Demolition	8218.89
Foundation	5607.98
Gen. C.-Builder Risk Ins	1850.26
Gen.C.-Temp. Utilities	700
Lumber & Siding	3596.36
Permitting Fees	3922.3
Trash Containers	728
<b>Grand Total</b>	<b>44474.93</b>

Figure 3-Provided by Applicant in Support of Application for COA for Demolition

## Job Cost Summary

Job Address: 1138 Fugate St Houston TX 77009

Job Cost Total : 350,000.00

Group	Group Description	Budget	Acutals	Delta
112	Architect/Eng Design	\$8,600.00		
100	Permitting Fees	\$1,500.00		
115	Blue Prints	\$500.00		
118	Gen. C.-Builder Risk Ins	\$3,500.00		
120	Gen.C.-Temp. Utilities	\$1,000.00		
135	Demolition	\$5,000.00		
150	Gen.C.-Survey	\$500.00		
155	Gen.C.-Portable Toilet	\$800.00		
175	Concrete	\$15,000.00		
200	Foundation	\$6,000.00		
220	Lumber & Siding	\$30,000.00		
240	Frame Labor	\$20,000.00		
260	Windows: Wood	\$12,000.00		
262	Exterior Doors	\$3,000.00		
280	Roof Turnkey	\$10,000.00		
284	Fireplace	\$500.00		
300	Plumbing	\$11,000.00		
302	Plumbing Fixtures	\$7,000.00		
304	Master Bath Tub	\$1,500.00		
320	Electrical	\$8,500.00		
322	Lighting Fixtures	\$4,000.00		
340	HVAC	\$12,000.00		
360	Insulation	\$4,000.00		
380	Sheetrock Turnkey	\$10,000.00		
401	Brick Labor	\$2,500.00		
422	Cabinet Materials	\$15,000.00		
430	Garage Door & Openers	\$2,000.00		
440	Trim Material	\$10,000.00		
441	Interior Doors	\$4,000.00		
445	Stair Railing/Steps	\$2,000.00		
450	Trim Labor	\$6,000.00		
480	Paint	\$12,000.00		
502	Countertops	\$10,000.00		
509	Tile Material	\$5,000.00		
510	Tile Labor	\$5,000.00		
520	Wood Floor Labor	\$9,000.00		



# Houston Archaeological & Historical Commission

Application Date: July 17, 2025

HPO File No. HP2025\_0176

A7

1138 W Fugate Street

Norhill

522	Wood Floor Material	\$8,000.00		
540	Hardware	\$1,500.00		
600	Appliances	\$20,000.00		
626	Trash Containers	\$3,000.00		
640	Landscaping	\$3,000.00		
650	Gutter	\$2,000.00		
656	Fence	\$10,000.00		
668	Shower Door	\$3,000.00		
802	Eng. Inspection	\$800.00		
850	Extras/Contingency	\$40,300.00		
		\$350,000.00		

Figure 4-This and Previous Page Additional Cost Information from Applicant

## DEMOLITION TRACKING LIST

Tabitha Hensley is the "Owner" of the property and is referred to as the "Owner." This tracking sheet was filled out by the "Owner."

Section 33-247 Code	33-247 Requirement	Response
The issuance of a certificate of appropriateness for the demolition of a landmark, a protected landmark, or a contributing structure, or for demolition of a building, structure or object on or in an archaeological site shall be granted only if:	The building, structure, or object has seriously deteriorated to an unusable state and is beyond reasonable repair; and	
a.1		
a.2	The HAHC finds, based on the preponderance of credible evidence presented by the applicant, the existence of an unreasonable economic hardship under subsection (c) of this section or the establishment of an unusual and compelling circumstance pursuant to subsection (d) of this section.	
An application for a certificate of appropriateness for demolition shall contain the following information:	Photographs and other documented evidence detailing the deteriorated state of the property and the inability to reasonably repair the property;	Pictures included in Demolition COA submission under file name <b>1138 Fugate Pictures Post Collapse.pdf</b> . The building collapsed while undergoing renovation June 4, 2025 under approved Alteration and Addition COA project #HP2025-0071. The entire existing home is beyond repair and has been demolished per instruction from City of Houston Permitting and HAHC in order to make the site safe. The only remaining structure is the original and new foundation and front approach including whatever remaining brick was in place at the time of collapse on the front of the home
b.1		
b.2	A certified appraisal of the value of the property conducted by a certified real estate appraiser that takes into account that the property is a landmark, protected landmark or contributing structure in a historic district as well as the two most recent assessments of the value of the property unless the property is exempt from local property taxes;	Since the house is now demolished in order to make the site safe, it seems unrealistic to get a new appraisal on a home that no longer exists. HCAD records are submitted as part of the Demolition COA application

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Section 33-247 Code	33-247 Requirement	Response
b.3	All appraisals obtained by the owner in connection with the acquisition, purchase, donation, or financing of the property, or during the ownership of the property;	Home and property were purchased by the current owner with cash in January 2025. No appraisal was required as such and was not done
b.4	All listings for the sale or lease of the property by the owner within the last year, and a statement by the owner of any bids and offers received and counteroffers given on the property;	Property was purchased by the owner in January 2025, since that time no listings have been made and no bids have been received
b.5	Evidence of any consideration by the owner of uses and adaptive reuses of the property;	An alteration and addition COA was submitted to the HAHC and approved on May 19, 2025 (HP2025-0071). The intended purpose of obtaining the COA was to rehabilitate and re-sell the home; See previously approved COA's in the new Demolition COA application under file name <b>Original Alteration and Addition COA....pdf</b>
b.(6)	Itemized and detailed rehabilitation cost estimates for the identified uses or reuses, including the basis of the cost estimates;	Owner created a budget for original alteration and addition work prior to building collapse and demolition; it is submitted in the Demolition COA under file name <b>1138 Fugate Building Budget.pdf</b>
b.6	Any financial statements showing revenue and expenses incurred for the property;	No revenue has been made since purchase of the property in January 2025. Expenses to date include permitting fees, architectural designs, first and second demolition costs and costs related to foundation and concrete work. Spreadsheet on expenses incurred to date are submitted in the Demolition COA under file name <b>Costs Incurred 1138 Fugate St.pdf</b>
b.7	Complete architectural plans and drawings of the intended future use of the property, including new construction, if applicable;	Submitted in the Demolition COA under file name xxx. The plans will be virtually the same as the plans submitted for the original alteration and addition COA which were previously approved by HAHC, but will now be categorized as new construction. A new construction COA has also been filed with project number HP2025-0182 which utilizes the same plans



Tabitha Hensley is the "Owner" of the property and is referred to as the "Owner." This tracking sheet was filled out by the "Owner."

Section 33-247 Code	33-247 Requirement	Response
	Plans to salvage, recycle, or reuse building materials if a certificate of appropriateness is granted;	As prescribed by the HAHC on June 17th via email, any remaining brick on the front columns or porch will remain until a new construction COA is granted. All other materials will be donated to local business that deal in the reuse of historic material (e.g. shiplap, portions of windows that were not destroyed in building collapse etc.)
b.8		
		NotApplicable
b.(10)	An applicant who is a nonprofit organization shall provide the following additional information:	NotApplicable
	a. A comparison of the cost of performance of the mission or function of the nonprofit organization in the existing building and in a new building;	
	b. The impact of the reuse of the existing building on the organization's program, function or mission;	NotApplicable
		NotApplicable
	c. The additional cost, if any, attributable to the building of performing the nonprofit organization's function within the context of costs incurred by comparable organizations, particularly in the Houston area;	
	d. Grants received, applied for or available to maintain or improve the property; and	NotApplicable
		NotApplicable
	e. The nonprofit organization's budget for the current and immediately past fiscal years.	
b.(11)	Any additional information the director determines is reasonably necessary to the review the application	Additional requests for documentation can be accommodated upon request
Detemination of an unreasonable economic hardship shall be based upon the following criteria:		
c.1	That the property is incapable of earning a reasonable return, regardless of whether the return is the most profitable return, including without limitation, regardless of whether the costs of maintenance or improvement of the property exceed its fair market value;	See photographs of the property post collapse and post demolition. The building no longer exists since demolition has occurred to make the site safe as endorsed by the City of Houston Permitting and HAHC. It is incapable of earning a reasonable return, only the lot has value

Tabitha Hensley is the "Owner" of the property and is referred to as the "Owner." This tracking sheet was filled out by the "Owner."

Section 33-247 Code	33-247 Requirement	Response
		See photographs of the property post collapse and post demolition. The building no longer exists since demolition has occurred to make the site safe as endorsed by the City of Houston Permitting and HAHC. It is incapable of earning a reasonable return, only the lot has value
c.2	That the owner has demonstrated that the property cannot be adapted for any other use, whether by the current owner, by a purchaser or by a lessee, that would result in a reasonable return;	
c.3	That the owner has demonstrated reasonable efforts to find a purchaser or lessee interested in acquiring the property and preserving it, and that those efforts have failed; and	The owner has no intention of finding another purchaser or lessee. The owner has submitted a new construction COA project #HP2025-0182 and wants to rebuild a home on the site that fits within the design standards in the neighborhood
c.4	If the applicant is a nonprofit organization, determination of an unreasonable economic hardship shall instead be based upon whether the denial of a certificate of appropriateness financially prevents or seriously interferes with carrying out the mission, purpose, or function of the nonprofit corporation.	Not applicable
Detemination of the existence of an unusual or compelling circumstance shall be based upon the following criteria:		Prior to collapse, the property was designated as a contributing structure within a historic district. Owner is not contesting this fact
d.1	That current information does not support the historic or archaeological significance of the building, structure or object or its importance to the integrity of an historic district, if applicable;	
d.2	Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans have on the architectural, cultural, historical or archaeological character of the context area; and	The owner has submitted a new construction COA project #HP2025-0182 and wants to rebuild a home on the site that fits within the design standards in the neighborhood
d.3	Whether reasonable measures can be taken to save the building, structure or object from further deterioration, collapse, arson, vandalism or neglect.	Per the photographs submitted, there are no reasonable measures that can be taken to save the building and it was demolished per direction from City of Houston Permitting and HAHC to demolish what remained of the home to make the site safe



City of Houston  
Building Code Enforcement  
**CODE WORD 2021**

INTERPRETATIONS AND APPLICATIONS OF  
THE HOUSTON ADOPTED CODES,  
2021 IBC, 2021 IRC, 2021 IFC, 2021 IEBC, 2021 UMC, 2021 UPC,  
2021 IECC and ASHRAE 90.1-2019, 2021 ISPSC, & 2023 NEC  
Published 01-02-2024

<b>CW No:</b>	<b>2021-B28</b>	<b>Page:</b>	<b>2</b>	<b>of</b>	<b>2</b>
<b>Administrative Processes for Alteration/Remodel/Demo, Cont.</b>					

- D. **Building demolition** means the demolition, removal, or disassembly of any portion of the structure that meets or exceeds the "total calculated demolition factor" of **1.50**. Please fill out the cells provided below to determine the "total calculated demolition factor".

AREA	EXISTING	REMOVED	CALCULATED DEMOLITION FACTOR
ROOF AREA (SQ.FT.)	1,572.00	1,572.00	1.00
INTERIOR AREA (SQ.FT.)	934.00	934.00	1.00
EXTERIOR WALL LENGTH (FT)	135.00	108.00	0.80
<b>TOTAL CALCULATED DEMOLITION FACTOR</b>			<b>2.80</b>

Demolition, removal, or disassembly that exceeds the "total calculated demolition factor" of **1.50** at any time during an alteration project constitutes a building demolition and requires plan review and inspection as new construction.

Proposed construction on an existing foundation of project types identified in items C and D above, relocated buildings, and new construction on new foundations will be reviewed as a new structure or building. No vertical building additions or floor additions shall be approved on existing foundations without a structural analysis of the existing foundation and supporting framing that is sealed, signed, and dated by a Texas registered professional engineer indicating compliance with all appropriate provisions of the Houston *Construction Code* for the occupancy, type of construction, and number of stories proposed.


Approved:   
Byron D. King  
Houston Building Official

Figure 5- Administrative Processes for Alterations, Remodels, and Demolitions



**Sec. 33-203. - Enforcement and penalties; remedies cumulative; other action not limited.**

(a) The procedures set forth in this article are cumulative of all other remedies available to the city relating to the subject matter hereof. Specifically, the city attorney may institute any legal action necessary to enforce this article or enjoin or otherwise cause the abatement of any violations hereof, including legal action necessary to recover damages or require restoration or reconstruction under section 315.006 of the Texas Local Government Code. The city council finds that alteration, rehabilitation, restoration, construction, relocation or demolition of any building, structure, object or site that is subject to the provisions of this article without a certificate of appropriateness as required under this article adversely affects the structural, physical or visual integrity of the building, structure, object or site.

(b) The building official shall not issue a building permit for any activity that requires a certificate of appropriateness pursuant to this article unless the applicant for the building permit presents a certificate of appropriateness or a 90-day waiver certificate issued pursuant to [section 33-250](#) of this Code. The building official shall use any and all available enforcement mechanisms to enforce and require compliance with the provisions of this Code.

(c) Any person who violates any provision of this article shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$50.00 nor more than \$500.00 for each violation. Each day during which any violation of this article continues shall constitute a separate offense.

(d) If a landmark or protected landmark, archaeological site, or a contributing structure located in an historic district is demolished without a certificate of appropriateness required by this article or, in the case of a landmark or archaeological site only, a 90-day waiver certificate issued pursuant to [section 33-250](#) of this Code, or is ordered to be demolished by the city for public safety reasons after the property owner has received notice of neglect pursuant to [section 33-254](#) of this Code, the building official shall not issue a building permit, and no other person shall issue any other city permit, for the site where the landmark, protected landmark or structure was formerly located for a period of two years after the date of the demolition. After the period of two years after the date of demolition has elapsed, the HAHC may approve a certificate of appropriateness for new construction on the site of the demolished structure only if the size and dimensions of the new construction are substantially similar, and not larger, than the demolished structure. After a period of ten years after the date of demolition has elapsed, the HAHC may approve a certificate of appropriateness for new construction on the site of the demolished structure without the limitation imposed by this section. New construction approved pursuant to this section shall not be eligible to receive a certificate of appropriateness for demolition or relocation before ten years after the date of demolition.

(e) If activity that requires a certificate of appropriateness is performed outside the scope of a certificate of appropriateness, which for purposes of this section shall include work done without a certificate of appropriateness, the building official shall not issue a permit, and no other person shall issue any other city permit, except as required to perform work required under a certificate of remediation under this subsection, for the site where the activity occurred until either:

(1) The commission issues a certificate of appropriateness for the work that was performed outside the scope of a certificate of appropriateness; or

(2) The commission finds that the work that was performed outside the scope of a certificate of appropriateness does not satisfy the criteria of this article and issues a certificate of remediation for the work that was performed outside the scope of a certificate of appropriateness; and the commission may, as a condition of granting the certificate of remediation, also require that the applicant repair, reconstruct, or restore all or part of the work that was done without a certificate of appropriateness prior to the issuance of any permits besides those required for the reconstruction or restoration, using as many historically appropriate or salvage materials as are reasonably available.