

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Public Hearing: ~~August 19, 2013~~ *September 17th*

CONTACT PERSON/PHONE: Providencia Velázquez, (915) 541-4027, VelazquezPX@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

Discussion and action on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case: PHAP13-00020; 2801 Silver Avenue, El Paso, Texas, on August 19, 2013 to deny a certificate of appropriateness application for the referenced property, PHAP13-00020 (District 2).

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A.

AMOUNT AND SOURCE OF FUNDING:

N/A

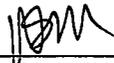
BOARD / COMMISSION ACTION:

Historic Landmark Commission reviewed case PHAP13-00020 on August 19, 2013 and recommended denial by a vote of 4-3.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy 
Director- City Development Department

CITY CLERK DEPT.
2013 SEP -3 AM 9:30

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: August 26, 2013

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager

FROM: Providencia Velázquez, Historic Preservation Officer

SUBJECT: Appeal of Historic Landmark Commission decision regarding PHAP13-00020

The Historic Landmark Commission (HLC), on August 19, 2013, voted 4-3 to **DENY** the certificate of appropriateness application for the installation of a wooden fence after-the-fact, for the property located at 2801 Silver Avenue within the Manhattan Heights Historic District.

The HLC found that the proposal does not comply with the historic guidelines regarding the installation of fences, and that the request was brought before the commission after the construction had been completed; therefore, the commissioners were not allowed to comment on the design prior to the construction taking place. Based on the *Design Guidelines for El Paso's Historic Districts, Sites, and Properties*:

- The height of the proposed fence should complement the structure and should not obstruct the public's view of the building. Any proposed fence higher than 32" solid or 48" open, measured from ground level, at front property line or a side yard property line on a corner lot, shall be reviewed by the HLC.
- Introduce new fences and walls compatible in material, design, scale, location, and size with original fences and walls in the historic district.

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Attachments: Appeal Letter, Staff Report

APPEAL LETTER

RCMJ

2801 Silver Avenue, El Paso, Texas 79930

August 26, 2013

City Clerk
300 N. Campbell
El Paso, Texas 79901
mosenrd@elpasotexas.gov

To Whom It May Concern:

Please allow this correspondence to serve as written request for appeal in accordance with the Administrative Review Design Guidelines published by the City of El Paso, Texas; Department of Planning, Research and Development dated November, 1996.

James E. Moreno and Rachel E. Carver, owners of 2801 Silver Avenue, El Paso, Texas 79930 (hereafter referred to as "Owners") request an appellate hearing before City Council In re: Case PHAP 13-00019 after the Historic Landmark Commission's review and denial for Owner's "Certificate of Appropriateness for the installation of a wooden fence after-the-fact" dated August 19, 2013. Owners can be reached at 2801 Silver Avenue, El Paso, Texas 79930; by phone at: 915-433-5324; and by email at: jedward.moreno@gmail.com.

Respectfully Submitted,

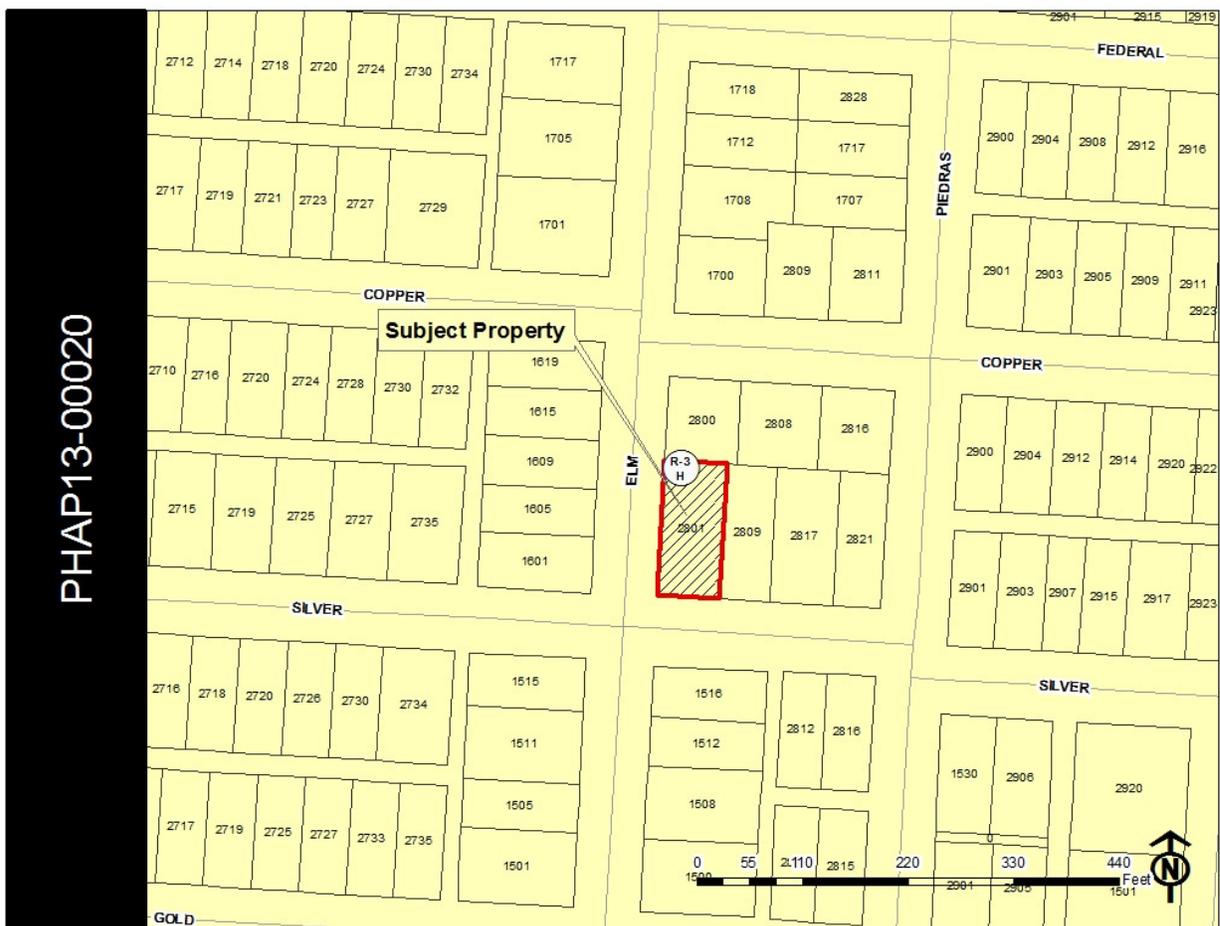
Rachel E. Carver & James E. Moreno



PHAP13-00020

Date: August 19, 2013
Application Type: Certificate of Appropriateness
Property Owner: James Moreno and Rachel Carver
Representative: James Moreno and Rachel Carver
Legal Description: 30 Manhattan Heights w. 66 ft. of 6, City of El Paso, El Paso County, Texas
Historic District: Manhattan Heights
Location: 2801 Silver Avenue
Representative District: #2
Existing Zoning: R-3/H (Residential/Historic)
Year Built: 1950
Historic Status: Contributing
Request: Certificate of Appropriateness for the installation of a wooden fence after-the-fact.
Application Filed: 08/12/2013
45 Day Expiration: 09/26/2013

ITEM #3



GENERAL INFORMATION:

The applicant seeks approval for:

Certificate of Appropriateness for the installation of a wooden fence after-the-fact.

STAFF RECOMMENDATION:

The Historic Preservation Office recommends DENIAL of the proposed scope of work based on the following recommendations:

The Design Guidelines for El Paso's Historic Districts, Sites, and Properties recommend the following:

- *The height of the proposed fence should complement the structure and should not obstruct the public's view of the building. Any proposed fence higher than 32" solid or 48" open, measured from ground level, at front property line or a side yard property line on a corner lot, shall be reviewed by the HLC.*
- *Introduce new fences and walls compatible in material, design, scale, location, and size with original fences and walls in the historic district.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

AERIAL MAP

PHAP13-00020



SITE PLAN AND KEY

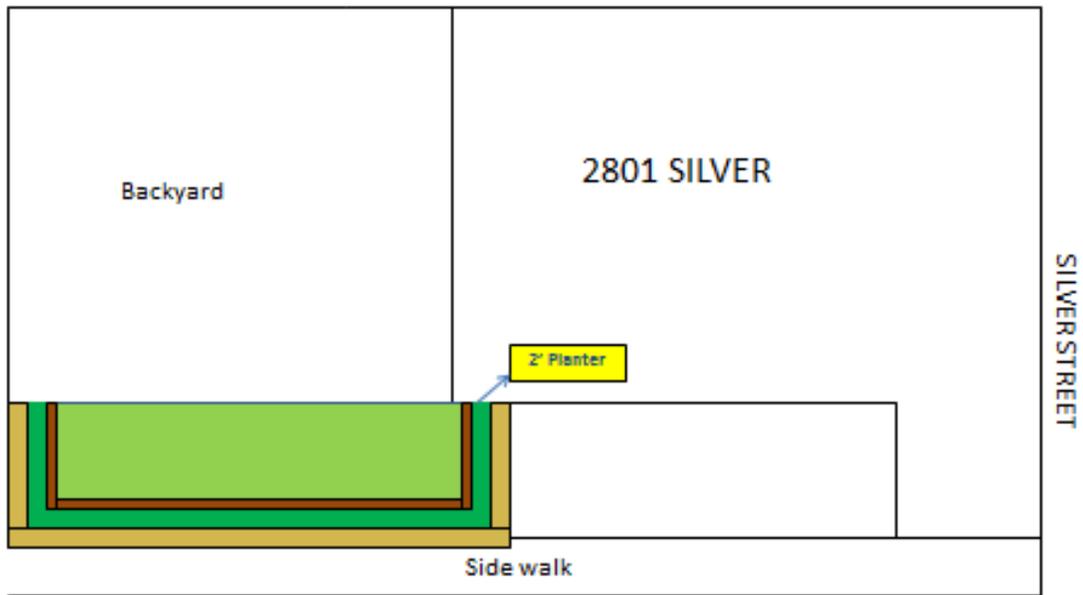
KEY

 Rock wall

 Grass

 Wood Fence

 Ornamental Plants



Proposed Fence

ELM STREET



To the Historic Land Mark Commission,

On behalf of Manhattan Heights Neighborhood Association we would like to inform the HLC that the case:

PHAP13-00019: property 2801 Silver Avenue, construction of wooden fence does not comply with the guidelines set forth to preserve and protect the unique character of the home or the neighborhood.

The hastily constructed fence does not contribute to the historic character of the property, hides the existing rock wall that was constructed in 1950, and is completely out of scale to the existing property, which changes the architectural character of said property.

Beside the fact that the fence was constructed without Historic Preservation Review it is uneven, not level, and the smooth side of the fence should be facing the public and the neighbor directly behind the property. The other issue that is of concern is the newly constructed fence that surrounds the area in question does not seem to have a gate associated with it and the intention of the homeowner is to, if not done so already, partially remove a portion of the rock wall that is no longer visible to the public.

This home was constructed by Mabel Welch as were all of the homes facing Silver Avenue from Elm to Piedras Street and one year prior to her last home built at 3101 Gold Avenue. This is not an issue in which the homeowner is ignorant to the fact they live in a historic neighborhood. As they have inquired with other board members of procedures regarding changes to the property, and there is a historic street sign indicating the historic status, as well as our new billboard welcoming everyone to El Paso's first Federal Historic District. With that no one can any longer claim they were not aware.

The problem lies in the precedent that has been set in some individuals minds that just do it and deal with it later as even if the HLC does not approve it City Council will, or simply turn a blind eye to it. Example Wheeling property with the enclosed porch and now half of the wall is missing to the front of the home. This has to change and homeowners need to be held accountable for their actions as it directly affects every homeowner

in the historic district. We wish all homeowners, such as case PHAP13-00018, would go through the proper procedures to insure their request will meet the guidelines set forth to ensure the integrity of their property and the neighborhood.

Thank you for working to preserve and protect the Historic neighborhoods and districts within El Paso.

Sincerely,

Craig Peters

Manhattan Heights Association President.