

# Five reasons to reject historic status for Garden Oaks

1. Homeowners will have to live with a 22 page ordinance any time they repair, alter or expand their home.

(Visit: <http://www.ci-houston.tx.us/codes//codes33-7and8.pdf>)

2. The ordinance is written broadly. City Hall can prohibit any ordinary maintenance and repairs that “change the design, character, texture, or material of any exterior feature.”

(Sec. 33-201)

3. Fines can be as high as \$500 a day per violation.

Homeowners in violation can be sued by the city for damages, sued to enjoin construction, and required to reconstruct or restore any altered structure. (Sec. 33-203)

4. No properties are “grandfathered” or exempt including churches.

5. The ordinance today has a “90 day waiver”, which means that city hall must grant a homeowner’s request for a permit to alter or demolish a structure 90 days after a request is submitted. **Unfortunately, preservation activists want to remove the 90 day waiver from the law and make the restrictions permanently binding.**

- *The Houston preservation code* –

Criminal prosecutions... **finest up to \$500 a day per violation.** Homeowners can also be ordered to *reverse* repairs, pushing the cost far higher than any fines assessed.

Do you really want to worry about how the city might punish you if you make what you believe are minor repairs to your home but city inspectors think exceed what the ordinance allows?

(The information below was prepared by attorney Alex Liber-Alessie, a G.O. resident at 428 W. 33<sup>rd</sup> St.)

## **HISTORIC PRESERVATION STATUTORY CONTROLS**

**-Enforcement actions against homeowners** for alleged prohibited actions are deemed “offense[s]”, subject to criminal “prosecution[s]” – See: Sections 33-203 & 33-236

### **-Prosecution includes prosecuting homeowners:**

- for each alleged violation homeowner “shall be guilty of a misdemeanor [a crime] and upon conviction shall be punished by a fine of ... \$500.00. The finest are imposed each day ... any violation continues [and] shall constitute a separate offense”.
- to “enjoin or otherwise cause abatement of any violations”.
- for “damages”
- mandatory injunctive orders “require[ing] restoration or reconstruction”, i.e. “mandatory repairs” – See: Sections 33-203

**-Prosecution of alleged violations includes “presumption” of law in favor of government** that any “alteration, rehabilitation, restoration, construction, relocation or demolition of a building, structure, object, or site ... without a certificate of appropriateness ... adversely affects the structural, physical or visual integrity of the building, structure, object or site. See: 33-203

**-Micro-Controls Over Homeowners** “shall include, but is not limited to”:

- “changing ... kind, type or size of roofing”
- “changing ... kind, type or size of siding”
- “changing ... or adding exterior doors, door frames”
- “changing ... or adding windows, window frames”
- “changing ... or adding fences”
- “changing ... or adding railings, columns, beams”
- “changing ... or adding porches, steps”
- “changing ... or adding balconies”
- “dismantling, moving or removing any exterior feature” See: Section 33-20

**-90 Day Waiver can be removed by amendment.** Amendments or changes to the ordinance can be made without a petition, but rather; by application initiated by HAHC, the Planning Commission, with the final action resting with the city council. See: 33-227

**-“Violators” can be ordered to make “Mandatory Repairs”.** Even with a mandatory repair order resulting from a citation and court order, repairs cannot be undertaken by the homeowner until he or she first obtains a **“Certificate of Appropriateness”** from the Planning Official. See: 33-249

**-Prior to issuance of 90 Day Waiver Certificate, homeowner is required to “consult with Department staff to explore alternatives to the actions proposed by the applicant”.** In other words, no consultation, no waiver certificate. See 33-250

**-90 Day Waiver Period does not begin until homeowner has first filed a properly completed application for a Certificate of Appropriateness** with the building official. See 33-238

**-The Act of initiating an application for Historic District subjects proposed area to requirements of Certificate of Appropriateness and Mandatory Controls.** See: 33-223

J u l y 2 0 0 5

The Garden Oaks

# Gazette

*Special Edition*



## Beautification Update *Brenda de Alba*

### **Please Mark Your Calendars:**

Garden Oaks Boulevard Esplanade workday to reclaim and improve the crushed granite path is scheduled for SATURDAY, AUGUST 6 at 8:00AM. The goal is to have the path restored before school begins in mid-August. We'll be laying down about 70 tons of crushed granite and we'll really need your help along with your wheelbarrows and shovels. A number of options were researched to keep the path from degrading so quickly (like steel edging & concrete curbing, stones, etc.). The decision was made to go with concrete curbing and the installation began Monday, July 11<sup>th</sup>. Another reason for having some type of edge was to make maintenance easier for mowing & edging.

**Art Park:** Attendance at the workday on May 21<sup>st</sup> was, to say the least, dismal. Only one volunteer besides us (Ed and Brenda) made an appearance (an appreciative thanks to Todd Prince). Plans before year end include mapping the park (in process), installing an

irrigation system (currently in planning and bidding stage), planting a variety of trees along W. 43<sup>rd</sup>, and upgrading the plantings.

**Gazebo Park:** With deep sadness, we mourn the loss of the magnificent post oak in the Gazebo Park. There was no evidence that the tree was diseased but the speculation is that with its large bent over trunk, the tree could no longer support the weight of the branches. Since the 1930s, hundreds of Garden Oaks children and adults have enjoyed climbing this tree. It was one of the larger trees, and possibly the largest post oak in Garden Oaks.

**Sprinkler Heads:** I keep fixing sprinkler heads in our parks that get broken when people repeatedly drive over them or park on them. Please, if you live adjacent to one of our green spaces, ask your friends not to park in the park.

Garden Oaks  
Boulevard  
Esplanade  
Workday  
Saturday,  
August 6  
@ 8:00AM



## A Letter from the Editor

This special issue is the first one ever, it comes as a formal apology to Brenda de Alaba and the Beautification committee for the omission of their article and special event on the regular monthly Gazette.

Errors of omissions are by no means intentional but regretful. Given the nature of the beautification effort coming up on August 2nd, I decided to print and personally pay for a special edition of the Gazette.

I hope that LOTS of ya'll show up for the Beautification of the Garden Oaks Blvd Esplanade.

This issue comes as a means to promote

### Night out on August 2nd

Please attend one of the parties in your area or see the ones listed on the back-cover of this issue.

This also gives us an opportunity to promote the upcoming Thank You party for the Gazette Block captains. We thank and appreciate the work they do every month to get the Gazette out in time before each Civic Club meeting.

If you didn't know, the effort to put a Gazette together is a 40-hour job (a whole week!) of cutting and pasting, moving lay-outs, changing articles as revisions come in; deciding what artwork to use and how to keep advertisers happy. Not an easy job, but our staff is growing.

Jonathan Lanz, Editor  
Sue Schmidt, Assistant Editor  
Noe Garcia, Graphics Designer

And our new addition

Brian O'leary (he is going to do a little bit of everything).

Regards,  
Jonathan Lanz

# 2006 Garden Oaks Home Tour

Be a part of the fun!

We still need two committee chairs:

- Publicity
- Transportation, Traffic

Both of the prior chairs of these important committees are still in the neighborhood and willing to share extensive notes and experience on what it takes to fill these positions.

I would love to see some of those that are new to our neighborhood get involved in our largest fundraising and fun event.

Call Sue Schmidt  
832-563-3402



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This Special Edition is Fully Paid for by Jonathan Lanz, Computer Wiz.

**We Now Have a Location for Our Block Captain Party!**

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**Saturday August, 20th 6-9 p.m.  
John & Cindy Barto's House 831 Azalea**

**Party organizers are:**

**Sue Schmidt** with Keller Williams 832.563.3402

**Casey Farris** with Bone Voyage Pet Sitting 713.688.6363

**Jonathan Lanz** with Computer-Wiz 713.884.8982





## Tuesday August 2nd National Night Out

**Tuesday, August 2<sup>nd</sup>** has been designated as National Night Out for this year. This is a good way to get to know your new neighbors and get reacquainted with those you have fallen out of touch with during the past year.

National Night Out, 'America's Night Out Against Crime,' was introduced by the National Association of Town Watch in 1984. The program was the brainchild of Executive Director Matt A. Peskin. In an effort to heighten awareness and strengthen participation in local anticrime efforts, Peskin felt that a high-profile, high-impact type of crime prevention event was needed nationally. At that time, he noted that in a typical 'crime watch community', only 5 to 7% of the residents were participating actively. Due to the growth and success of these programs, he felt this percentage was too low. Subsequently, he proposed a national program which would be coordinated by local crime prevention agencies and organizations - but that would involve entire communities at one time. The first National Night Out was in-

roduced early in 1984 - with the event culminating on the first Tuesday in August. That first year, 400 communities in 23 states participated in National Night Out. Nationwide, 2.5 million Americans took part in 1984. The event has since grown to involve more than **34 million people in over 10,000 communities from all 50 states**, U.S. territories, Canadian cities, and military bases worldwide.

The National Night Out program suggests a 7:00 p.m. to 10:00 p.m. time frame, but you can adjust the start or end times to meet the needs of your block. If you are interested in hosting a party, please call me at **713-864-1992** (*evenings please*) or email me with your information, **GCOP77018@aol.com**

and I will try to get to HPD so it can be included in the city's numbers for the program. The techies among you can also post your party information on one of the neighborhood computer bulletin board sites.

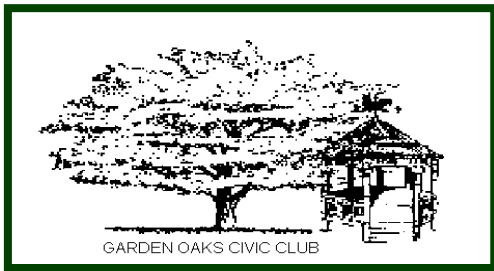
**Carl Walters**

### National Night Out Block Parties

- Lillie Bird  
404 W, 30th
- John & Cindy Bartos  
831 Azalea
- Casey Farris  
1000 Block of Gardenia
- Rob & Molly Battenfield  
along with Kelly &  
Sandra O' Guynn  
432 W. 32nd
- YOUR NAME HERE

**Call Carl Walters if you  
want to organize a  
block party  
713.864.1992**

**NATW**  
NATIONAL ASSOCIATION OF TOWN WATCH



# ANNUAL MEMBERSHIP DUES STATEMENT

January - December 2005

TO: GARDEN OAKS  
RESIDENT

DUE DATE: January 1, 2005	TOTAL CONTRIBUTION: \$ _____
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Membership is open to all residents whether you own or rent. Please choose the level you feel most comfortable supporting, **while all memberships are voluntary, at a minimum you must contribute \$25 or \$5 for Seniors [65 years or older] in order to be eligible to vote on civic club matters.** Membership dues are for the calendar year.

Fill in Amount

\$ \_\_\_\_\_ CREPE MYRTLE: \$25.00 (\$5.00 for Seniors)  
• Basic Household Membership

\$ \_\_\_\_\_ THE MAGNOLIA: \$50.00 (\$10.00 for Seniors)  
• Intermediate Level – Household Membership

\$ \_\_\_\_\_ THE GOLDEN OAK: \$75.00 (\$15.00 for Seniors)  
• Patron Level – Household Membership

\$ \_\_\_\_\_ OTHER (Contributions other than the levels above)  
• Fill in amount you would like to contribute

\$ \_\_\_\_\_ BUSINESS MEMBERSHIP: \$50.00 (non-voting membership)

\$ \_\_\_\_\_ CONTRIBUTION TO GARDEN CLUB

\$ \_\_\_\_\_ TOTAL

Membership dues go toward supporting all Garden Oaks Civic Club Activities: Beautification, Citizens on Patrol, The Gazette, Home Tour, Membership Committee and Website. The more you give, the more we can do!

**Please mail this completed form along with your check payable to:**

Garden Oaks Civic Club, P.O. Box 10273, Houston, TX 77206. THANK YOU!

Name(s) \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Garden Oaks Constable Program Contributor Application and Contact Information**

*Please print or write legibly • All information is held strictly confidential • Mail completed applications to Garden Oaks Constable Program, P.O. Box 10273, Houston, TX 77206 by December 1, 2004*

CONTACT INFORMATION

MEMBER 1 (M1): \_\_\_\_\_

MEMBER 2 (M2): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME PH: \_\_\_\_\_

M1 EMAIL: \_\_\_\_\_ M2 E-MAIL: \_\_\_\_\_

M1 WORK PH: \_\_\_\_\_ M2 WORK PH: \_\_\_\_\_

M1 CELL PH: \_\_\_\_\_ M2 CELL PH: \_\_\_\_\_

IN EMERGENCY, PLEASE CONTACT: \_\_\_\_\_

HOME PH: \_\_\_\_\_ WORK PH: \_\_\_\_\_ CELL PH: \_\_\_\_\_

IN EMERGENCY, PLEASE CONTACT: \_\_\_\_\_

HOME PH: \_\_\_\_\_ WORK PH: \_\_\_\_\_ CELL PH: \_\_\_\_\_

PAYMENT OPTIONS \* *Credit Card Option Available Contact Terry Jeanes 713-812-9154*

Enclosed please find my/our check for \$140.(Please make checks payable to Garden Oaks Civic Club)

I/We cannot contribute \$140 now; however, enclosed please find my/our check for \$\_\_\_\_\_.

I/We will participate via bank draft. (Please complete DRAFT AUTHORIZATION FORM below.)

***Many of our neighbors live on limited, fixed incomes. Are you willing to adopt a neighbor?***

Yes! Please accept my additional gift of \$\_\_\_\_\_ for the year (enclosed) OR \$\_\_\_\_\_ per month (bank draft option only).

**DRAFT AUTHORIZATION FORM**

I, \_\_\_\_\_, hereby authorize **Sterling Bank** to begin Direct Debiting of my

Bank Account Number \_\_\_\_\_ at \_\_\_\_\_ Bank

and Bank Routing Number \_\_\_\_\_ for my participation.

This monthly authorization remains in effect until written notice is given to the **Constable Chair of the Garden Oaks Civic Club**. If any changes occur to my bank account, I will promptly notify the **Constable Chair of the Garden Oaks Civic Club** so that my Constable Program dues can be directly debited from the correct account.

- Please take \$15 out of my account monthly for the Garden Oaks Constable Patrol Program.
- This authorization includes a debit for an additional \$\_\_\_\_\_ monthly gift to the program.
- This authorization includes permission for a \$15 cancellation fee.

Printed Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Telephone \_\_\_\_\_

**Attach voided check and mail to: Garden Oaks Constable Program, P.O. Box 10273, Houston, TX 77206.**



**CONSTABLE PROGRAM is just around the corner...BUT WE STILL NEED YOU!** .....Terry Jeanes and Susan Love - Saranie

**ASK YOURSELF..... who is watching your house? Let's make sure it is the good guys - Our own neighborhood constable via the constable program.** The good news as of this writing (12/15) our request for the county to prepare our contract for the constable program has been made. But we still need your support.....via the constable support form found in this Gazette. Simply feel it out and mail it in. This will assure the smooth uninterrupted running of the program. Forms are also available on the [www.gardenoaks.org](http://www.gardenoaks.org), or use the one received with the Garden Oaks Civic club dues statement mailed to all properties this last month. A huge THANK YOU to those who already have mailed theirs in and to the volunteers who helped get the invoices mailed. An updated list of supporters will be available in next months Gazette...so get those trailing forms in today!

**Program benefits**

- 40 hrs of our own designated Harris County Constable
- Vacation Watch by Harris County Constable ( forms available to supporter households)
- Security Check for Insurance Discount
- Alarm Contact/ Response by Harris County Constable
  
- Perceived value for prospective neighbors considering Garden Oaks for their future home in a community where the neighbors work collectively to make the neighborhood safer.

*The Goal is for a quick response time to any and all concerns within our community.*

You will also get a contributor manual and phone sticker.

**Cost & Payment** ... \$140 per Less than \$ .40 per day....Less than. A cup of coffee. But Credit Card Option is now available. Contact Terry Jeanes for information. Or simply choose one of the other two payment options, an annual check of \$140, or the monthly draft option of \$15 per month All checks will be deposited in a Garden Oaks Civic Club account for escrow until the 318 household number is meet. Act now! We need you today! See the Contributor form within this Gazette or visit [www.gardenoaks.org](http://www.gardenoaks.org) download a form there.

For any added questions, please contact Terry Jeanes, 713-812-9154, or [terry@terryjeanes.com](mailto:terry@terryjeanes.com).