

**STAFF REPORT
HISTORIC AND CULTURAL LANDMARKS COMMISSION
CITY OF FORT WORTH, TEXAS**

DATE: June 8, 2015

COUNCIL DISTRICT: 5

GENERAL INFORMATION

REQUEST	Certificate of Appropriateness
APPLICANT/AGENT	City of Fort Worth – Code Compliance Stella McKinzie Estate (owner)
LOCATION	3732 Stalcup Road
ZONING/ USE (S)	A-7.5/HC
NEIGHBORHOOD ASSOCIATION	Stop Six: Sunrise Edition

ANALYSIS OF PROPOSED WORK

CERTIFICATE OF APPROPRIATENESS

The applicant requests a Certificate of Appropriateness to demolish the main structure.

APPLICABLE ZONING ORDINANCE REQUIREMENTS

Zoning Ordinance Article 5. Section 4.504

4. Certificate of appropriateness: demolition or relocation.

a. *Loss of significance:* The historic and cultural landmarks commission may approve a certificate of appropriateness for demolition or relocation when it has determined that the structure is no longer significant. In making this determination, the historic and cultural landmarks commission must find that the owner has established by a preponderance of the evidence that the structure has undergone significant and irreversible changes which have caused the structure to lose the significance and/or quality or features which qualified the structure for historic designation.

b. *Economic hardship:* The owner of a property denied a certificate of appropriateness based on loss of significance shall have the right to introduce evidence to establish that the owner will suffer an unreasonable economic hardship if the certificate of appropriateness is not issue for the demolition or relocation of the structure.

i. The owner shall have the burden of establishing by a preponderance of the evidence that an unreasonable hardship exists under the criteria set forth in Section 4.506

ii. If the historic and cultural landmarks commission finds that the owner has failed to establish by a preponderance of the evidence that an unreasonable economic hardship exists, the certificate of appropriateness shall be denied.

iii. If the historic and cultural landmarks commission finds that the owner has satisfied by a preponderance of the evidence that an unreasonable economic hardship exists, the certificate of appropriateness may be issued with or without the following conditions. The historic and cultural landmarks commission may delay the issuance of the certificate of appropriateness up to 180 days after the date of the public hearing; may require the preparation of a salvation plan; documentation of the property; and/or the preservation of trees, shrubs and other landscaping of substantial significance. These conditions shall be in compliance with all other city codes and ordinances.

5. Certificate of appropriateness, economic hardship:

a. If the historic and cultural landmarks commission finds that an owner of a property is not entitled to a certificate of appropriateness as a result of loss of significance, the owner shall have the right to introduce evidence to establish that the owner will suffer an unreasonable economic hardship if the certificate of appropriateness is not issued for the proposed demolition or relocation. The owner shall have the burden of establishing by a preponderance of the evidence that an unreasonable economic hardship exists under the criteria set forth in Section 4.506

b. If the owner does not establish that an unreasonable economic hardship exists, the certificate of appropriateness shall be denied.

c. If the owner does establish that an unreasonable economic hardship exists, the historic and cultural landmarks commission may delay the issuance of a certificate of appropriateness for up to 180 days from the date of the public hearing and may require the preparation of a salvage plan, documentation of the property and/or the preservation of trees, shrubs and other landscaping of substantial significance. These conditions shall be in compliance with all other city codes and ordinances.

Zoning Ordinance Article 5. Section 4.506- Unreasonable economic hardship: removal, demolition or relocation.

A. *Declaration of unreasonable economic hardship.* The historic and cultural landmarks commission may declare that an unreasonable economic hardship exists as a basis for:

1. Recommending removal of the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation; or
2. Issuing a certificate of appropriateness approving the demolition or relocation of property designated or pending designation as highly significant endangered or historic and cultural landmark or located in an area designated or pending designation as an historic and cultural landmarks district.

B. *Burden of proof.* When a claim of unreasonable economic hardship is made, the owner must prove by a preponderance of the evidence that:

1. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;
2. The structure or property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and
3. The owner has failed to find a purchaser or tenant for the property during the previous two years, despite having made substantial ongoing efforts during that period to do so. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.

C. Claim for historic and cultural landmarks districts. Owners of individual structures or sites located in an historic and cultural landmarks district are entitled to a certificate of appropriateness for demolition or relocation upon proof of unreasonable economic hardship; however, an historic and cultural landmarks district designation shall be removed only from the entire district, upon proof that the designation results in an unreasonable economic hardship to the district as a whole. Individual structures or sites shall not be removed from an historic and cultural landmarks district.

D. Consultation and search for alternatives. The owner, persons or entities who have executed a sales contract or option contract for purchase of the property, or their representatives, the historic and cultural landmarks commission, local preservation groups and interested parties shall consult in good faith, as outlined in Section 4.504(D) in a diligent effort to seek alternatives that will eliminate the unreasonable economic hardship and preserve the structure or property.

E. Proof of hardship: As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and cultural landmarks commission by affidavit:

1. For all structures and property:
 - a. The past and current use of the structures and property;
 - b. The name and legal status (e.g., partnership, corporation) of the owners;
 - c. The original purchase price of the structures and property;
 - d. The assessed value of the structures and property according to the two most recent tax assessments;
 - e. The amount of real estate taxes on the structures and property for the previous two years;

- f. The date of purchase or other acquisition of the structures and property;
- g. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two years;
- h. All appraisals obtained by the owner or applicant within the previous two years in connection with the owner's purchase, financing or ownership of the structures and property;
- i. Any listing of the structures and property for sale or rent, price asked and offers received;
- j. Any consideration given by the owner to profitable adaptive uses for the structures and property;
- k. Any replacement construction plans for proposed improvements on the site;
- l. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
- m. The current fair market value of the structure and property as determined by a qualified appraiser.
- n. Estimate of the cost of the proposed demolition or relocation (construction and alteration are not applicable to this section) and an estimate of any additional cost that would be incurred to comply with the design guidelines.
- o. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

2. For income producing structures and property:

- a. Annual gross income from the structure and property for the previous two years;
- b. Itemized operating and maintenance expenses for the previous two years; and
- c. Annual cash flow, if any, for the previous two years.

3. In the event that the historic and cultural landmarks commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and cultural landmarks commission shall notify the owner. Failure by the owner to submit such information to the historic and cultural landmarks commission within 15 days after receipt of such notice, which time may be extended by the historic and cultural landmarks commission, will be grounds for denial of the owner's claim of unreasonable economic hardship.

APPLICABLE STOP SIX DESIGN GUIDELINES

Demolition and Relocation

The intent of the historic district is preserve historic buildings, materials and features. Demolition of a building considered as contributing to the historic character of the district shall be avoided unless a preponderance of evidence can prove that the structure is a threat to the safety of the public or could not reasonably be rehabilitated either structurally or economically. It is not considered reasonable to rehabilitate a structure where the rehabilitation shall leave it devoid of all original materials or features. The relocation of buildings from inside the district to locations outside the district shall be considered in the same manner as demolition for the purposes of considering the appropriateness of the action. Relocation of buildings from outside of the district to a location within the district shall be considered appropriate only when the structure to be moved is architecturally, materially, and dimensionally compatible with the surrounding neighborhood. The demolition and relocation of buildings considered to be noncontributing to the character of the district shall be allowed with the appropriate approvals.

Appropriate	Not Appropriate
<ul style="list-style-type: none"> • Removing or demolishing building or site features that do not contribute to the character, integrity or significance of the building or site. • Removing later additions that cover, harm, or mask original or significant architectural features. • Demolishing a building found to be a threat to public safety after the appropriate documentation has been completed. • Demolishing an accessory structure where the demolition would not adversely affect the primary structure or site. • Replacing demolished buildings in accordance with the guidelines for new construction within this district. 	<ul style="list-style-type: none"> • Demolishing historically or architecturally significant buildings or site features that contribute to the district. • Demolishing a building or site feature that would have a detrimental impact on the public interest or adversely impact the visual character of the block or neighborhood. • Removing features of a building which contribute to its significance that may leave the building devoid of integrity or character and cause a de facto demolition. • Demolishing or removing structural elements that would lead to structural deficiencies and demolition by neglect. • Demolishing a building that is of an old, unusual or uncommon design that could not be reproduced without great difficulty or expense.

FINDINGS/RECOMMENDATIONS

On March 9, 2015, the HCLC reviewed a Request for Determination for 3732 Stalcup Road. At that time, the Commission believed the structure *could not* be reasonably rehabilitated.

The structure at 3732 Stalcup Road is a one story residence. Tarrant County Appraisal District lists the structure’s construction date as 1930. The structure is a Craftsman Style residence and is identified by its building form with front facing gable roof, moderate overhanging eaves with

exposed rafter tails, 117 wood siding, partial front porch and one-over-one wood windows. It is a contributing structure in the Stop Six: Sunrise Edition Historic District.

The residence is in poor condition due to deterioration and neglect, and has been abandoned for approximately eight years. Preservation Staff and Code Compliance visited the site with the intention to enter the building to inspect. However, it was determined upon arrival that the structure was too dangerous to enter. The foundation is failing. The roof is sagging significantly due collapsed roof beams. The exterior walls are bowing. There is missing and rotten siding. Black mold is visible on the exterior, particularly under the eaves. The windows were either boarded up or missing. Only one one-over-one wood window was visible on the north elevation. That window was very poor condition.

Loss of Significance

Per the Historic Preservation Ordinance (Article 5 Section 4.504), the HCLC may approve a certificate of appropriateness for demolition when it has determined that the structure is no longer significant. In making this determination, the historic and cultural landmarks commission must find that the owner has established by a preponderance of the evidence that the structure has undergone significant and irreversible changes which have caused the structure to lose the significance and/or quality or features which qualified the structure for historic designation.

Does the structure still retain any significant exterior architectural features that define the character of the structure and qualify as a contributing structure in the historic district?

Yes. The structure still retains its original building and roof form, original siding, and at least one original window, though it is in disrepair.

In its present condition, does the structure still contribute to the historic district?

Yes. However staff is concerned about the structures deteriorated condition and is concerned that over 70% of the original structure may be compromised and in need of complete replacement.

What evidence has the applicant provided to support the request for demolition based on loss on historic significance?

The applicant submitted the following items to support their request for demolition.

- Photographs of the existing structures;
- Copy of Tarrant Appraisal District Real Estate Data Sheet; and
- Code Compliance Building Survey Report, dated May 11, 2015.

Unreasonable Economic Hardship

Can the owner make reasonable beneficial use of or realize a reasonable rate of return on the site, regardless of whether that return represents the most profitable return possible, if the demolition is not allowed?

Unknown.

Can the structure be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return?

The site is zoned A-7.5, Single family. The property owner could rehab this structure or construct a new single family residence.

Has sale of the property been considered or attempted?

No.

What evidence has the applicant provided to support the request for demolition based on loss on economic hardship?

The applicant submitted the following items to support their request for demolition.

- Photographs of the existing structures;
- Copy of Tarrant Appraisal District Real Estate Data Sheet; and
- Code Compliance Building Survey Report, dated May 11, 2015.

What was the original purchase price of the property?

Unknown

What are the current values on the property?

According to Tarrant County Appraisal, the land value on this property is \$2,000. The improvements value is listed as \$9,500. Total property value is \$11,500.

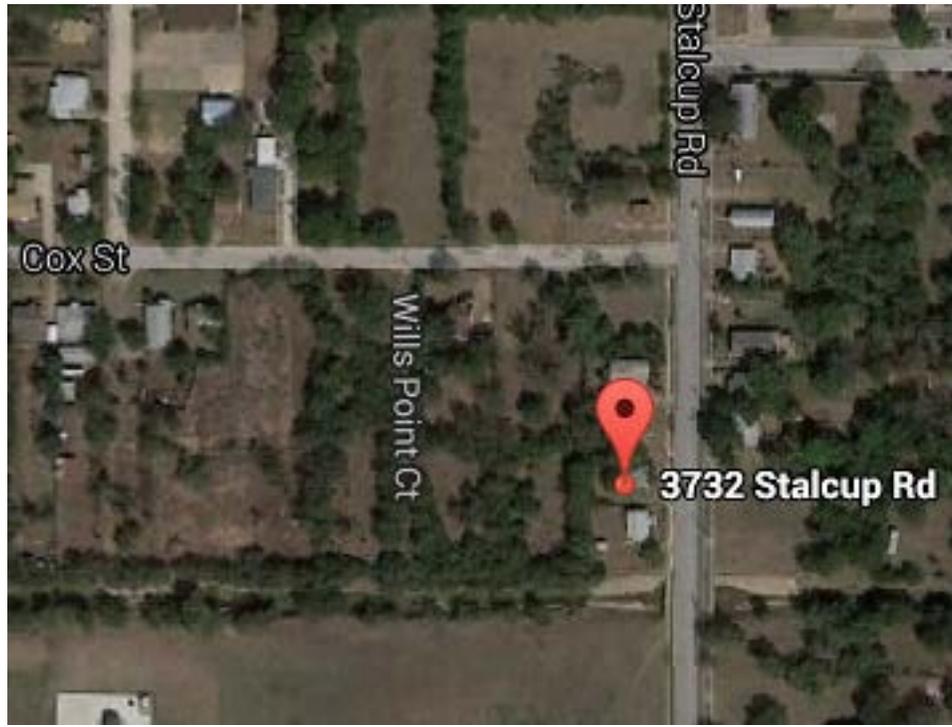
What is the estimated cost of demolition?

Unknown

What are the future plans for the site?

Unknown

SUPPLEMENTAL INFORMATION



Aerial



Existing East (front) Façade of Structure

Additional Images



South Elevation







West (Rear) Elevation



East Elevation





Interior Images

Note: The structure was deemed too dangerous to enter. The following interior photos are what can be seen through the rear door opening only.



*Amended - 5-11-2015
M20



CITY OF FORT WORTH
CODE COMPLIANCE DEPARTMENT
BUILDING SURVEY



Property Address: 3732 Stalcup Road Category: I II III

Legal Description: Sunrise Addition BK12 Lot 150's 122' x 111'

File No.: 07-37205 Tax Account No.: 03032574

Single Family Residence Two Family Residence Multifamily Residence Boarding House # of Units

Commercial Industrial Accessory Other Use

Frame Brick Stone Concrete Concrete Brick Metal Story

Occupied Vacant Open Secured

The above described property was inspected on 5/11/2015 by Code Compliance Officer M. Hall/E243 who may be contacted at (817) 392-8587. Violations observed by the Officer are marked below. The violation(s) must be corrected to comply with the City of Fort Worth Code of Ordinances, Chapter 7, Article IV, Minimum Building Standards Code and/or Chapter 7, Article IX, Multi-family Inspection Code.

The Officer determined: a Building Permit; a Plumbing Permit; an Electrical Permit; or Mechanical Permit is / are necessary. Permits must be obtained by an appropriately licensed contractor. Each contractor must obtain an inspection from the Department of Development upon completion of their specific work. When all violations have been corrected, the owner must call for a final inspection from the Code Compliance Department. Vacant structures may not be occupied until all violations have been corrected and approved by the Code Compliance Department.

An Interior Inspection is Required An Interior Inspection was completed on 5/11/2015 by Officer M. Hall/E243 in the presence of the owner / tenant / under the authority of an Administrative Search Warrant.

Owner: Stella McKinzie Est. Phone:

Address: 3732 Stalcup Rd. Fort Worth, TX Zip: 76119-2332

Signature: DL# DOB:

By signing above I acknowledge that the property referenced herein shall be required to come into compliance by . Should the property be re-inspected after that day and be identified to have Code violations, I also acknowledge that entering into a work plan does not stop any municipal court citations or further administrative actions.

CORRECTIONS MUST BE MADE TO THE ITEMS CHECKED BELOW:

SMOKE DETECTORS: Missing Inoperative Improperly Located Additional Detectors Required

APPROVED ADDRESS NUMBERS PLACED ON BUILDING: Yes No

EXTERIOR WALLS:

Wood Fire Dmg Rotten

Boards Loose Missing

Siding Broken Missing

Holes Breaches

Cracks Buckled Leans

Brick Loose Missing

Damaged Paint

Other

ROOF:

Fire Damaged Wood

Rotten Wood on Overhang

Rotten Rafter Tails

Rotten Decking

Rotten Fascia Boards

Shingles Missing

Deteriorated Shingles

Sags Buckled

Collapsed Holes

Damaged Paint

Other

FOUNDATION:

Appears Inadequate Support

Rotten Wood

Piers - Lean Missing

Cracks in Perimeter Wall

Cracks in Slab

Missing Skirting

Missing Access Cover

Other

PROPERTY ADDRESS: 3732 Stalcup Road

WINDOWS:

- Fire Damaged Wood Rotten Wood
- Broken Glass
- Glass Shards Not Removed
- Screens- Missing Damaged
- Burglar Bars w/No Release
- Bedroom Windows Boarded
- Damaged Paint
- Other _____

PORCHES:

- Fire Damaged Wood
- Rotten Wood
- Missing Boards
- Inadequate Support
- Support Post Loose
- Support Post Missing
- Damaged Paint
- Cracks / Damaged Concrete
- Brick- Loose Missing
- Other _____

STEPS:

- Fire Damaged Wood
- Rotten Wood
- Missing Boards
- Inadequate Support
- Handrails
- Missing Loose
- Damaged Paint
- Cracks / Damaged Concrete
- Brick - Loose Missing
- Other _____

DOORS:

- Fire Damaged Wood
- Rotten Wood
- Damaged Missing
- Off Hinges
- Poor Fit
- Broken Glass
- Glass Shards Not Removed
- Other _____

LAVATORY:

- Missing
- Damaged
- Loose From Wall
- Faucets - Leak Broken
- Loose
- Supply Line- Leaks Missing
- Non-conforming Waste Line
- Other _____

BATHTUB / SHOWER:

- Missing
- Damaged
- Stopped Up
- Faucets - Leak Broken
- Loose Missing
- Damaged Tub/Shower Stall
- Other _____

WATER CLOSET:

- Missing
- No Anti-Siphon Ball Cock
- Stopped Up
- Poorly Anchored
- Water Leaks
- Runs Constantly
- Tank - Broken Cracked
- Bowl - Broken Cracked
- Missing Flush Handle
- Supply Line Disconnected
- Seat - Broken Missing
- Other _____

KITCHEN SINK:

- Missing
- Damaged
- Stopped Up
- Faucets - Leak Broken
- Loose Missing
- Trap - Leaks Missing
- Supply Line Leaks
- Supply Line Missing
- Non-conforming Waste Line
- Damaged Backsplash
- Damaged Countertop
- Other _____

WATER HEATER:

- Gas Electric
- Missing Disconnected
- Temp/Pressure Relief Valve
- Missing Damaged
- Drain Line- Missing
- Not Approved Pipe
- Not Extended Outside
- Not Elbowed Down
- Vent - Leaks Missing
- Non-confirming Vent
- Inadequate Combustion Air
- No Gas Cut Off
- Missing Fire Box Door
- Gas Supply Line Not Approved
- Gas Fired Located in Bed / Bath room
- Temp Control - Missing
- Damaged Inoperable

PROPERTY ADDRESS: 3732 Stalcup Road

PLUMBING MISCELLANEOUS:

- Open Clean Out
- Water Leak - Outside
- Under Building Yard
- Vent Stack - Missing Broken
- Not Extended Through Roof
- Sewer Line - Stopped Up
- Running Out on Ground
- Other _____

INTERIOR WALLS AND CEILINGS:

- Fire Damaged Wood
- Cracks
- Holes
- Mold / Mildew
- Water Damage Smoke Damage
- Fire Damage
- Ceiling Appears to Leak
- No Impervious Material Around Bathtub
- Bathtub / Shower Enclosure - Damaged
- Other _____

ELECTRICAL SERVICE:

- Service Panel Burned
- Service - Missing Not Grounded
- Missing - Breakers Fuses
- Missing - Interior Panel Exterior Panel
- Exposed Wiring Fire Damaged
- Non-conforming Wiring In Panel
- Burned - Wiring Outlets Switches
- Fixtures
- No GFCI Over Kitchen Counter Space
- No GFCI In Bathroom Circuit
- Outlets - Missing Loose Damaged
- Switches - Missing Loose Damaged
- Fixtures - Missing Loose Damaged
- Outlet Covers - Missing Loose Damaged
- Switch Covers - Missing Loose Damaged
- Extension Cords in Place of Permanent Wiring

MECHANICAL:

- Fire Damaged
- Non-conforming Gas Line to Space Heater
- Non-conforming Gas Line to Kitchen Stove
- A.C. / Heat Thermostat Control - Missing
- Damaged Inoperable
- No Vent Fan or Window In Bathroom
- Bathroom Vent Fan Damaged Missing
- Inoperable
- Other _____

FLOORS:

- Damaged
- Fire Damaged Wood
- Rotten Wood
- Missing Boards
- Holes Cracks
- Buckled
- Not Level
- No Impervious Material On Bathroom Floor
- Other _____

- Exterior Lights - Damaged Missing
- Non-conforming Wiring
- Other _____

APPLIANCES:

- Stove - Missing Damaged Inoperable
- Refrigerator - Missing Damaged Inoperable
- Exhaust Fan - Missing Damaged Inoperable
- Disposal - Missing Damaged Inoperable
- Dishwasher - Missing Damaged Inoperable
- Other _____

MISCELLANEOUS: See Supplemental

PROPERTY ADDRESS: 3732 Stalcup Road SUPPLEMENTAL PAGE

Ref. Case # 07-37265

* Inspected on 2/11/2015 with an Administrative Search Warrant

* Structure was deemed too dangerous to enter

* Roof is partially collapsed, entire structure leans to the North + West

* Foundations system has numerous piers + beams that are rotten, damaged and/or leaning

* Flooring is rotten and presents danger of falling through if walked on

* Structure is located approximately 150 yards south of an elementary school + the side walk in front of structure is used as a walking ~~path~~ path for children + pedestrians

* Structure is Category T + an imminent collapse hazard

* Amended 5/11/2015 - Reinspection confirmed no change from 2/11/2015

By:

M. HAW / E243

Code Enforcement Officer
City of Fort Worth

Tarrant Appraisal District

Real Estate

02/24/2015

Account Number: 03032574
Georeference: [40820-12-1-10](#)
Property Location: 3732 STALCUP RD, FORT WORTH, 76105

Owner Information: STELLA EST MCKINZIE
 3732 STALCUP RD
 FORT WORTH TX 76119-2332

Legal Description: SUNRISE ADDITION
 Block: 12 Lot: N50'
 S122' 1

Taxing Jurisdictions: 026 CITY OF FORT WORTH
 220 TARRANT COUNTY
 905 FORT WORTH ISD
 223 REGIONAL WATER DISTRICT
 224 TARRANT COUNTY HOSPITAL
 225 TARRANT COUNTY COLLEGE

This information is intended for reference only and is subject to change. It may not accurately reflect the complete status of the account as actually carried in TAD's database

Certified Values for Tax Year 2014

	Land	Impr	2014 Total ††
Market Value	\$2,000	\$9,500	\$11,500
Appraised Value †	\$2,000	\$9,500	\$11,500
Approximate Size †††			552
Land Acres			0.0998
Land SqFt			4,351

† Appraised value may be less than market value due to state-mandated limitations on value increases
 †† A zero value indicates that the property record has not yet been completed for the indicated tax year
 ††† Rounded

5-Year Value History

Tax Year	Appraised Land	Appraised Impr	Appraised Total	Market Land	Market Impr	Market Total
2013	\$2,000	\$9,500	\$11,500	\$2,000	\$9,500	\$11,500
2012	\$2,000	\$9,200	\$11,200	\$2,000	\$9,200	\$11,200
2011	\$7,200	\$9,200	\$16,400	\$7,200	\$9,200	\$16,400
2010	\$7,200	\$9,100	\$16,300	\$7,200	\$9,100	\$16,300
2009	\$7,200	\$8,900	\$16,100	\$7,200	\$8,900	\$16,100

2015 Notice Sent:

Protest Deadline:

Exemptions:

Property Data:

Deed Date: 12/31/1900
Deed Page: 0000000
Deed Volume: 0000000
Instrument: 00000000000000

Year Built: 1930
Pct Complete: 1.00
TAD Map: [2078-376](#)
MAPSCO: TAR-079Y
Agent:

State Code: A Residential SingleFamily
Garage Bays: 0
Central Air: N
Central Heat: N
Pool: N