

## Legislation Text

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**File #:** 21-907, **Version:** 1

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**PRESENTER:**

Caleb Chance Gasparek  
Historic Preservation Officer

**SUBJECT:**

**DM2021-2629** Consideration of a demolition permit for the dwelling and shed located at 282 Tolle St., a non-landmarked building which potentially meets the criteria for historic designation under Chapter 66 Historic Preservation.

**DEPARTMENT:** Comprehensive Planning & Historic Preservation

**COUNCIL DISTRICTS IMPACTED:** District 5

**BACKGROUND INFORMATION:**

The subject property is a rectangular shaped lot located along Tolle St. near the intersection with S. Market Ave. The property sits across from Market Platz, a local historic landmark. The property is not located within a historic district and is not locally landmarked. The property is approximately 4,500 sq ft.

On July 20, 2021 staff received a demolition permit for the main structure and an accessory shed at 282 Tolle St., a non-landmarked single-family home built in the early 1900's. Staff is unable to administratively approve the demolition and must refer the case to the Historic Landmark Commission for review and approval, as the building was found to potentially meet the criteria for designation found in Chapter 66-56 (attached).

**At the August 10, 2021 regular meeting, the Landmark Commission voted to table the item until a letter had been received from the owner stating their intentions for the property and whether they would consider selling the property as an alternative to demolition. On September 6, 2021 staff received an email from the applicant stating the owner's intent. The email has been attached to the end of the staff report - see attachment G.**

**HISTORIC CONTEXT:**

The subject property, lot 147, is one of the original town lots found on Johann Jacob Gross's 1860 map of New Braunfels. The German Emigration Company granted the lot to founder Johann Hassler in 1847 (see attached deed).

Not much is known of Hassler except that he emigrated to New Braunfels with his wife and three children. Records suggest that Hassler died shortly after receiving the deeds for the property in 1847, though there is no record to suggest that Hassler constructed a home on site.

Deed records indicate the property was then owned by George and Anna Elisabeth Hauth. Library records indicate the Hauth's immigrated to New Braunfels in 1851. The property was then passed on to their daughter Louise in 1878. The 1881 map of New Braunfels drawn by Augustus Koch (attached) shows a structure on site that was likely the homestead of George and Anna.

In 1900 the property was passed on to the other Hauth daughter, Emma, along with her husband Theodore

Staats. The Staats owned the property from 1900 to 1944. Sanborn Maps from 1907, 1920, and 1930 show a different structure on site with a floorplan that closely matches the existing structure. This suggests that the original Hauth residence was likely demolished, and the existing structure was constructed in the early 1900's and modified several times during that period.

Emma and Theo Staats were lifelong residents of Comal County. Theo was the grandson of Johann Heinrich Staats, a New Braunfels founder who immigrated to Texas aboard the German Emigration Company ship Hercules. Emma and Theo married in 1882 and had 7 children - Hulda, Theodora, Ella, Alfred, Walter, Edwin, and Emmy. Census records show Theo working a variety of jobs from teamster, miller, to business owner. Theo died in 1922 at the age of 63.

Emma would continue to live at 282 Tolle until she passed away in 1944 at the age of 82. During that time she operated the residence as a boarding house, having as many as 3 lodgers at a given time. Her son Walter Staats served as the New Braunfels Fire Chief from 1925 to 1958. Her other son Edwin ran St. Johns Bottling Company, the first producer of Coca Cola in New Braunfels, he would later serve as the president of the Comal County Fair Association. A history of the Staats family can be found at the New Braunfel's Public Library.

After Staats, the property passed on to a number of short-term owners. Phone directories show that the property was used as a rental property for much of the 1950's and 1960's.

#### **ISSUE:**

Chapter 66-60.1 (attached) requires that all applications for demolition permits be referred to the City Historic Preservation Officer for the purpose of determining whether or not the structure may have historical, cultural, architectural, or archaeological significance. If research indicates that the structure does potentially meet the criteria for designation, then the application must go before the Historic Landmark Commission for review and approval.

If the Commission finds that the building does meet the criteria for landmark designation, then they can vote to initiate the landmark designation process in which case the case goes before the Planning Commission and City Council. If the owner is in objection to the designation, then a three-fourths vote of the entire city council shall be required.

#### **FISCAL IMPACT:**

N/A

#### **STAFF ANALYSIS:**

**Staff was forwarded an email from the applicant with the owner's intent on September 6, 2021.**

#### **Recommendation from August 10 report:**

Given the small size of the lot, staff recommends renovation over demolition. The existing structure on site is encroaching into the front setback of the property. If the structure were to be demolished, the property would lose that encroaching space in the front and the structures non-conforming status. Due to zoning restrictions, the lot, if empty, has a buildable area of approximately 1,800 sq. ft. Renovation of the existing structure provides the possibility for additional square footage that would not be possible on the vacated lot.

If the owner is in objection, then staff ultimately recommends approval of the demolition as a designation over the owner's objection would unlikely pass successfully through Planning Commission and City Council.

**ATTACHMENTS:**

- A. Location Map
- B. Submittal Documents
- C. Supplemental Documents
- D. Staff Photos
- E. Chapter 66-56: Criteria for the Designation of Historic Landmarks and Districts
- F. Chapter 66-60: Alteration Certificate Required for Demolition
- G. Owner Email 9/6/2021