

# HISTORIC AND DESIGN REVIEW COMMISSION

September 04, 2019

**HDRC CASE NO:** 2019-484  
**ADDRESS:** 2054 W MULBERRY AVE  
**LEGAL DESCRIPTION:** NCB 1952 BLK 20 LOT 15  
**ZONING:** R-6  
**CITY COUNCIL DIST.:** 7  
**DISTRICT:** Monticello Park Historic District  
**APPLICANT:** Office of Historic Preservation  
**OWNER:** Celia Gonzales Bernal  
**TYPE OF WORK:** Recommendation to the Building Standards Board  
**APPLICATION RECEIVED:** August 20, 2019  
**60-DAY REVIEW:** October 19, 2019  
**CASE MANAGER:** Katie Totman

## REQUEST:

The Office of Historic Preservation is requesting a recommendation to the Building Standards Board (BSB) for the demolition of the rear accessory structure at 2054 W Mulberry.

## APPLICABLE CITATIONS:

*UDC Section 35-614 Demolition.*

Demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the city's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

- a. Applicability. The provisions of this section apply to any application for demolition of a historic landmark (including those previously designated as historic exceptional or historic significant) or a historic district.

(3) Property Located in Historic District and Contributing to District Although Not Designated a Landmark. No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant demonstrates clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide additional information regarding loss of significance as provided in subsection (c)(3) in order to receive a certificate for demolition of the property.

Sec. 35-615. - Prevention of Demolition by Neglect.

(a)Applicability. In keeping with the city's minimum housing standards, the owner, or other person having legal custody and control of a designated historic landmark or structure in a local historic district shall preserve the historic landmark or structure against decay and deterioration and shall keep it free from any of the following defects:

- (1)Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
- (2)Deteriorated or inadequate foundation;
- (3)Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed safely;
- (4)Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed safely;
- (5)Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or

deterioration or are insufficient to support the loads imposed safely;

(6) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed safely;

(7) Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;

(8) Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or

(9) Any fault, defect, or condition in the structure which renders it Structurally unsafe or not properly watertight.

(b) Compliance. The owner or other person having legal custody and control of a designated historic landmark or structure in a local historic district shall, in keeping with the city's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in subsection (a) of this section. In addition, the owner or other person having legal custody and control of a historic landmark or a building, object, site, or structure located in a historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the city's minimum housing codes and ordinances.

(c) Enforcement.

(1) The historic preservation officer and the historic and design review commission are authorized to work with a property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.

(2) The historic and design review commission, on its own initiative, or the historic preservation officer may file a petition with code compliance requesting that the city proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by subsection (a) above so that such structure shall be preserved and protected in accordance with the purposes of this article and the public safety and housing ordinance.

(3) Penalties.

(i) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City of San Antonio in an amount not to exceed one thousand dollars (\$1,000.00) per day for each violation or an amount not to exceed ten dollars (\$10.00) per day for each violation if the property is the owner's lawful homestead. The City of San Antonio may by order assess and recover any such civil penalties against a property owner at the time of an administrative hearing regarding the violations provided the property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements and, after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. The city clerk shall file with the district clerk of Bexar County a certified copy of any order issued under this subsection stating the amount and duration of the penalty. Any monies collected shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources.

(ii) A person who violates this article commits an offense. An offense under this article is a class C misdemeanor punishable as provided in the municipal ordinances of San Antonio.

(iii) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of all applicable city codes.

(iv) If any building, object, site or structure covered by this subdivision shall have to be demolished as a public safety hazard and the owner thereof shall have received two (2) or more notices from the director of code compliance of building neglect in violation of this and other city ordinances, no application for a permit for a project on the property may be considered for a period of five (5) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by a city office during this period, nor shall a parking lot for vehicles be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition.

## **FINDINGS:**

- a. The rear accessory structure at 2054 W Mulberry is found on the 1951 Sanborn map and was likely constructed between 1932 & 1936 based on City Directory research. The accessory structure features a side gabled roof with asphalt shingles, wooden board and baton siding, and at least one window opening on each elevation. The Monticello Park historic district features many properties with rear accessory

structures and this is a significant element of the development pattern of the district.

- b. The City's Code Enforcement Division has determined that the rear accessory structure at this address has deteriorated beyond repair and is recommending demolition of the structure per Chapter 6-156, subsections 2, 5, 8, 12, & 15.
- c. The rear accessory structure features traditional architectural details found commonly on accessory structures in the district, and is contributing to both the property and the Monticello Park historic district.
- d. The Guidelines for Exterior Maintenance and Alterations 9.A. notes that existing accessory structures should be maintained where they exist. Staff finds that the existing rear accessory structure should be repaired in kind. If this is not possible, staff finds that the applicant should demonstrate either a loss of significance or an economic hardship prior to the approval of the structure's demolition, per the UDC Section 35-614.

**RECOMMENDATION:**

Staff recommends in-kind repair of the structure based on findings a, c and d. If this is not economically or structurally feasible, staff finds that the property owner should demonstrate a loss of significance or an economic hardship, per the UDC Section 35-614.



2054 Mulberry W  
Action #23212764  
Front & Left side





2054 Mulberry W  
Action #23212764  
Right & Rear side





2054 Mulberry W  
Action #23212764





## Development Services Department - Building Standards Board

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### Building Standards Board - Structural Condition

#### ERROR UPDATING RECORD. REMEDY INCIDENT HAS BEEN LOGGED

 Select Date:  Type: Residential - Accessory






Structural Type:	<input checked="" type="radio"/> Residential <input type="radio"/> Commercial	
Occupied:	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Main Structure <input checked="" type="radio"/> Accessory
Zoning:		<input type="text"/>
<b>Check all that apply:</b>		
<b>Roof:</b> <input type="text"/>		
Type:	<input type="text" value="GABLE"/>	Covering: <input type="text" value="SHINGLE"/>
<input checked="" type="checkbox"/> Roof sagging	<input type="checkbox"/> Roof structure dilapidated	<input checked="" type="checkbox"/> Roof Sheathing rotted/damaged
<input type="checkbox"/> Roof holes/ collapsed	<input type="checkbox"/> Missing flashing	<input checked="" type="checkbox"/> Overhang deteriorated/rotted
<input type="checkbox"/> Ridge-board missing/damaged	<input checked="" type="checkbox"/> Roof covering missing/damaged	<input type="checkbox"/> Roof trusses rotted/damaged
<input type="checkbox"/> Rafters rotted/damaged	<input type="checkbox"/> Missing purlins/brace/collar ties	<input checked="" type="checkbox"/> Unable to access
<input type="checkbox"/> Ceiling joist rotted/damaged	<input type="checkbox"/> Engineers letter required	<input type="checkbox"/> Fire Damage
<b>Frame:</b> <input type="text" value="WOOD FRAME"/>		
<input checked="" type="checkbox"/> Exterior Inspection	<input type="checkbox"/> Interior Inspection	<input type="checkbox"/> Floors
<input type="checkbox"/> Fire damage walls	<input type="checkbox"/> Ceiling not at required height	<input type="checkbox"/> Floor trusses rotted/damaged
<input checked="" type="checkbox"/> Siding damaged/deteriorated	<input type="checkbox"/> Ceiling severely deflected	<input type="checkbox"/> Floor has holes
<input checked="" type="checkbox"/> Windows damaged/broken	<input checked="" type="checkbox"/> Sheetrock damaged/missing	<input type="checkbox"/> Floor joists rotten/damaged
<input type="checkbox"/> Brick veneer damaged	<input checked="" type="checkbox"/> Studs rotted/leaning	<input checked="" type="checkbox"/> Floor covering damaged
<input type="checkbox"/> Stucco veneer damaged	<input checked="" type="checkbox"/> Headers missing	<input type="checkbox"/> Floors uneven/unsafe
<input type="checkbox"/> Chimney/Towers damaged/listing	<input type="checkbox"/> Missing double top plate	<input type="checkbox"/> Inadequate means of Egress
<input checked="" type="checkbox"/> Structure is listing	<input checked="" type="checkbox"/> Bottom plated rotted/damaged	<input type="checkbox"/> Fire Damage-Floors
<input checked="" type="checkbox"/> Lack of Weather Protection	<input type="checkbox"/> Interior walls vandalized	
<b>Foundation:</b> <input type="text" value="SLAB ON GRADE"/>		
<input type="checkbox"/> Post and Beam	<input checked="" type="checkbox"/> Slab on Grade	<input checked="" type="checkbox"/> Engineers letter required
<input type="checkbox"/> Posts leaning	<input type="checkbox"/> Sill beams rotted/damaged	<input type="checkbox"/> Floor joists rotten/damaged
<input type="checkbox"/> Posts rotted/cracked	<input type="checkbox"/> Sill beams on grade	<input type="checkbox"/> Floor joist not bearing correctly
<input checked="" type="checkbox"/> Needs leveling	<input type="checkbox"/> Sill not bearing on support	<input type="checkbox"/> Unable to inspect
<input checked="" type="checkbox"/> Needs extensive repairs	<input type="checkbox"/> Slab on grade-cracks	<input type="checkbox"/> Fire Damage
<input type="checkbox"/> No foundation		
<b>Miscellaneous:</b> <input type="text"/>		
<input type="checkbox"/> Front/rear porch damaged	<input type="checkbox"/> Front/rear rotted/damaged/detaching	<input type="checkbox"/> Missing/damaged handrails
<input type="checkbox"/> Door rotted/damaged	<input type="checkbox"/> Missing smoke detectors	<input type="checkbox"/> Missing/damaged guardrails
<input type="checkbox"/> Electrical system hazards	<input type="checkbox"/> Exposed wires	<input type="checkbox"/> Unsafe equipment
<input type="checkbox"/> Illegal installation-Electrical/Plumbing	<input type="checkbox"/> Broken devices/fixtures	<input type="checkbox"/> No electrical services
<input type="checkbox"/> Plumbing system hazards	<input type="checkbox"/> Insufficient receptacles/lighting outlets	<input type="checkbox"/> Unlawful structure
<input type="checkbox"/> Water leaks	<input type="checkbox"/> Deteriorated/damaged pipes	<input type="checkbox"/> No water service
<input type="checkbox"/> Water meter tampered	<input type="checkbox"/> Gas leak	

#### Building Standards Board - Code Definitions 6-156

1. A door, aisle, passageway, stairway or other means of exit is not sufficient width size or not so arranged as to provide safe and adequate means of exit in case of panic.
2. The walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose, or location.

4. A portion of the structure/building has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. A portion, member of appurtenance of the structure/building is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. A portion of a building, any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. The building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary to support such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
8. The building or structure, or a portion thereof, is manifestly unsafe for the purpose for which it is being used.
9. The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
10. The building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, or fifty (50) percent damage or deterioration of enclosing or outside walls or coverings.
11. The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated or neglected as to become a harbor for vagrants or criminals.
12. The building or structure had been contracted, exists or is maintained in violation of the city's minimum housing standards or technical building codes to the extent violation poses a threat or potential threat to life, health, safety or property.
13. The building or structure is used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, arrangement, inadequate light, air, or sanitation facilities, is determined by the health director to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
14. The building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other mechanical, structural, or social cause, has been determined by the fire chief to be a fire hazard.
15. The building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
16. A portion of the building or structure has remained for a period of time on a site after the demolition or destruction of the building or structure, and was not approved for partial demolition by the BSB or the department of building inspections in its permitting process.
17. The building or structure, is unoccupied by its owner, lessee, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered by children.
18. The building or structure is secured by a means inadequate to prevent unauthorized entry or use in the manner described in condition subsection (17) above.

**Recommendation:** Demolition

**Code and Chapter:** 6-157

Delete



SPRINGFIELD, TEX. 76155  
**546**  
ADDL. SHEET  
DEC. 19 53

TEX 041

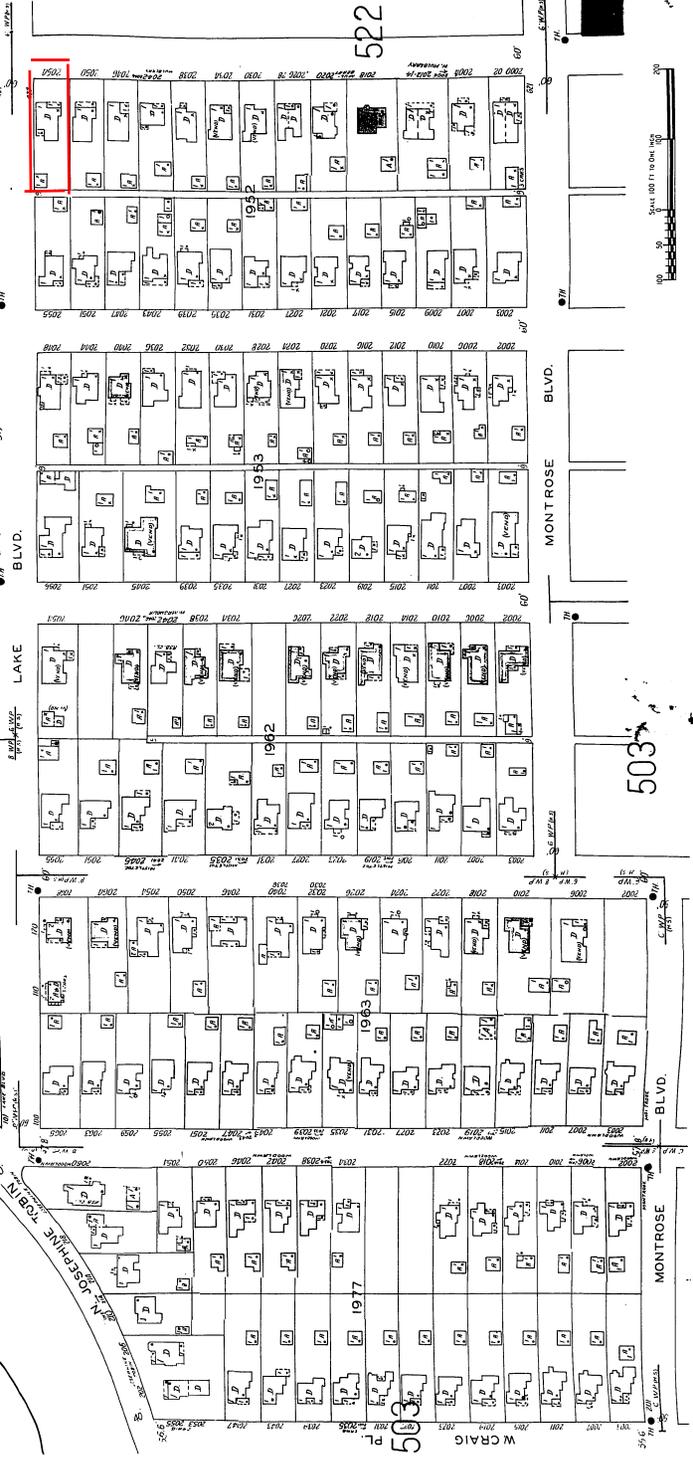
KAMPMANN 560



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541

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503

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