

HISTORIC AND DESIGN REVIEW COMMISSION

August 15, 2018

HDRC CASE NO: 2018-393
ADDRESS: 312 BURLESON ST
LEGAL DESCRIPTION: NCB 519 BLK 24 LOT 3
ZONING: R-5, H
CITY COUNCIL DIST.: 2
DISTRICT: Dignowity Hill Historic District
APPLICANT: Jeffery Hornbeak
OWNER: Jeffery Hornbeak
TYPE OF WORK: Walkway; Tax Certification
APPLICATION RECEIVED: August 03, 2018
60-DAY REVIEW: October 02, 2018
REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to:

1. Replace existing poured concrete walkway with crushed rock and concrete pavers
2. Historic Tax Certification

APPLICABLE CITATIONS:

5. Sidewalks, Walkways, Driveways, and Curbing

A. SIDEWALKS AND WALKWAYS

- i. *Maintenance*—Repair minor cracking, settling, or jamming along sidewalks to prevent uneven surfaces. Retain and repair historic sidewalk and walkway paving materials—often brick or concrete—in place.
- ii. *Replacement materials*—Replace those portions of sidewalks or walkways that are deteriorated beyond repair. Every effort should be made to match existing sidewalk color and material.
- iii. *Width and alignment*— Follow the historic alignment, configuration, and width of sidewalks and walkways. Alter the historic width or alignment only where absolutely necessary to accommodate the preservation of a significant tree.

Sec. 35-618. - Tax Exemption Qualifications.

- (a) Assessed Valuation. In accordance with the provisions of this article, a building, site, or structure which meets the definition of a historically significant site in need of tax relief to encourage preservation and which is substantially rehabilitated and/or restored as certified by the historic and design review commission and approved by the city tax assessor-collector, shall have an assessed value for ad valorem taxation as follows regardless of ownership during the granted time period:
 - (1) A residential property shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.
- (b) Applicability. This exemption shall begin on the first day of the first tax year after verification of completion of the preservation required for certification; provided the building shall comply with the applicable zoning regulations for its use and location.
- (c) Application. Application for a historic structure preservation tax exemption pursuant to this division is to be filed with the office of historic preservation. The historic preservation officer shall be the agent of the city for the purposes of administering this division provided that the historic preservation officer request a recommendation from the historic and design review commission. Each application shall be signed and sworn to by the owner of the property and shall:
 - (1) State the legal description of the property proposed for certification;
 - (2) Include an affidavit by the owner describing the historic significance of the structure in need of tax relief;
 - (3) Include a final complete set of plans for the historic structure's restoration or rehabilitation;
 - (4) Include a statement of costs for the restoration or rehabilitation work;
 - (5) Include a projection of the estimated construction, time and predicted completion date of the historic restoration or rehabilitation;
 - (6) Authorize the members of the historic and design review commission, the city tax assessor-collector and city officials to visit and inspect the property proposed for certification and the records and books of the owners as

necessary to certify that the property in question is in substantial need of restoration or rehabilitation;

- (7) Include a detailed statement of the proposed use for the property; and
- (8) Provide any additional information to the historic and design review commission which the owner deems relevant or useful such as the history of the structure or access to the structure by the public.

Each application shall contain sufficient documentation confirming or supporting the information submitted therein.

(d) Certification.

- (1) Historic and Design Review Commission Certification. Upon receipt of the owner's sworn application the historic and design review commission shall make an investigation of the property and shall certify the facts to the city tax assessor-collector within thirty (30) days along with the historic and design review commission's documentation for recommendation of either approval or disapproval of the application for exemption.
- (2) Tax Assessor-Collector Approval. Upon receipt of the certified application for tax exemption as well as the recommendation of the historic and design review commission, the city's tax assessor-collector shall within thirty (30) days approve or disapprove eligibility of the property for tax relief pursuant to this division. In determining eligibility, the tax assessor-collector shall first determine that all the requirements of this division have been complied with and that only the historic structure and the land reasonably necessary for access and use thereof is to be provided favorable tax relief.

(e) Verification of Completion. Upon completion of the restoration and rehabilitation, together with a fee as specified in Appendix "C" of this chapter, the owner, who may not be the same as at the time of application, shall submit a sworn statement of completion acknowledging that the historically significant site in need of tax relief to encourage preservation has been substantially rehabilitated or restored as certified by the historic and design review commission. The historic and design review commission, upon receipt of the sworn statement of completion, but no later than thirty (30) days thereafter, shall make an investigation of the property and shall recommend either approval or disapproval of the fact that the property has been substantially completed as required for certification. If the historic and design review commission recommends that it has not been substantially completed as so required, then the certified applicant may be required by the historic preservation officer to complete the restoration or rehabilitation in order to secure the tax exemption provided herein. If the verification of completion is favorable, the historic and design review commission shall recommend approval and the historic preservation office may notify the tax assessor-collector in writing of compliance. Thereafter, the tax assessor-collector shall provide the property with the historic tax exemption.

(f) Historic Preservation Tax Exemptions.

- (1) Historic Preservation Tax Exemption for Residences in Need of Substantial Repair. In accordance with the provisions of this chapter, a historically significant residential building, which meets both the definitions of a historically significant site in need of tax relief to encourage preservation and of a residential property in Appendix "A" of this chapter, and is either individually designated or is located within the boundaries of a locally designated historic district which is substantially rehabilitated and is approved by the chief appraiser of the Bexar County Appraisal District, shall have an assessed value for ad valorem taxation as follows:
 - A. A residential property shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification, as defined in Appendix "A" to this chapter. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.
 - B. This exemption shall begin on the first day of the first tax year after verification of completion of the substantial rehabilitation by the historic and design review commission, provided compliance with subsection (b) of this section.

(g) Eligibility.

- (1) The tax exemption options outlined in subsection (f), above, will remain in effect unless terminated by designation status being removed pursuant to subsection 35-606(g) of this article.

FINDINGS:

- a. The primary structure at 312 Burluson is a 1-story single family home and was constructed circa 1910 in the Folk Victorian style. The structure features a traditional L-plan, a cross-gabled composition shingle roof, a covered concrete porch with wood columns, and wood windows.
- b. WORK PRIOR TO APPROVAL – During the staff's review of the applicant's initial request for Historic Tax

Certification, staff found that the simple poured concrete walkway was modified to feature concrete pavers and crushed rock. Per the Guidelines for Sidewalks and Walkways 5.A.ii, every effort should be made to match the existing sidewalk color and material. Staff finds that the proposed walkway is not consistent with the Guidelines and should be returned to its original configuration.

- c. The applicant is requesting Historic Tax Certification for the property at 312 Burseson, located within the Dignowity Hill Historic District. The applicant understands that approval of Certification is dependent on the commission action regarding the front walkway modifications.
- d. A number of rehabilitative scopes of work have been approved including: demolition of non-original rear addition, removal of metal siding, repair foundation, repair composition roof, repair wood siding, replace wrought iron columns with wood, window repair, and paint. In addition to the previously noted exterior items, a number of interior scopes of work have been planned or completed including electrical and mechanical improvements, interior finishes and framing. However, staff finds that the applicant is not eligible to receive Historic Tax Certification until the modifications to the front walkway is approved or removed.
- e. The applicant submitted an itemized lists of cost that meets the threshold to be eligible for Historic Tax Certification.
- f. The requirements for Historic Tax Certification outlined in UDC Section 25-618 have been met and the applicant has provided evidence to that effect to the Historic Preservation Officer including photographs, an itemized list of cost, and a timeline of completion.
- g.

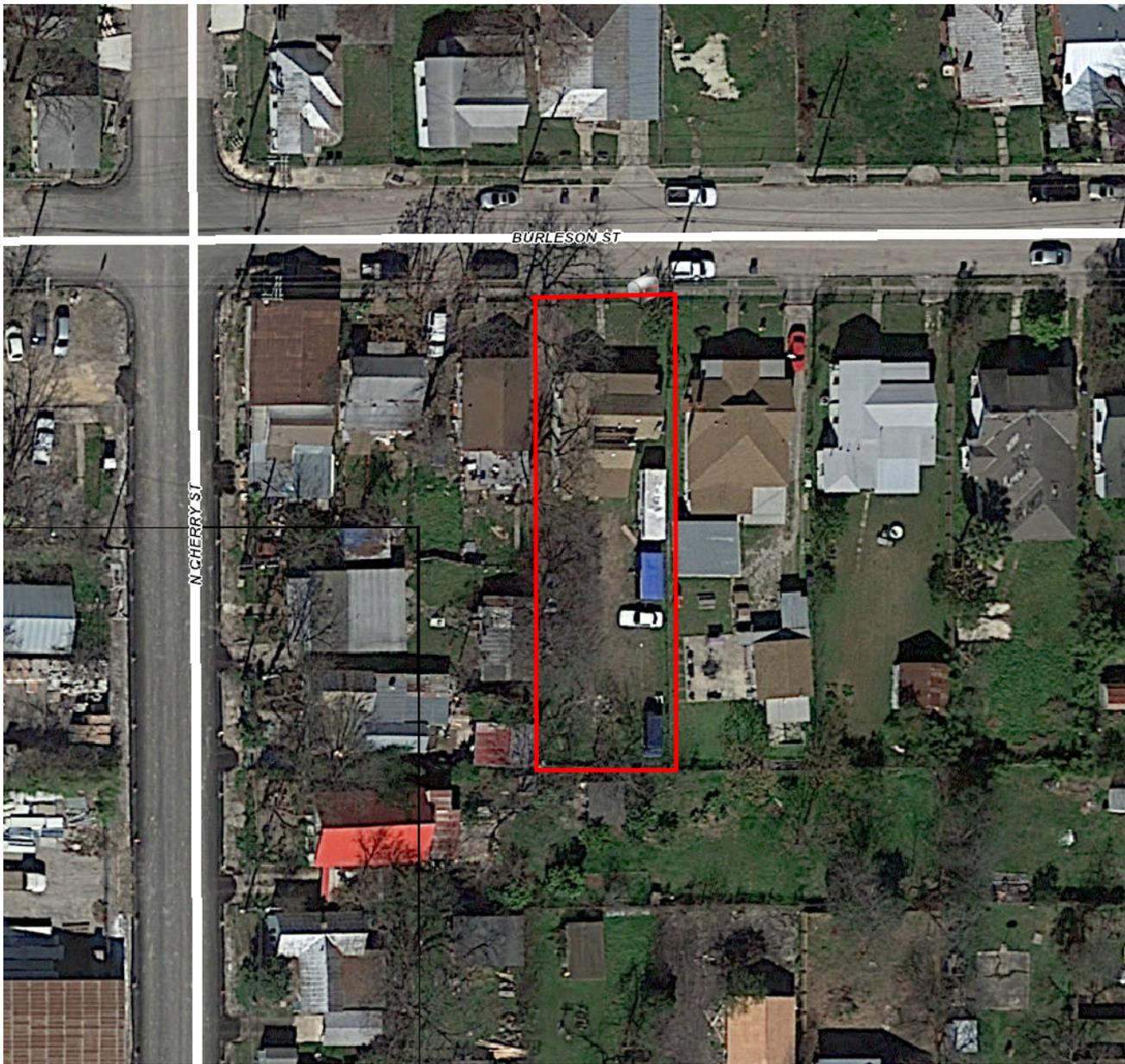
RECOMMENDATION:

Staff does not recommend approval of the front walkway modifications based on finding b. The walkway should be returned to its original configuration.

Staff does not recommend approval of Historic Tax Certification based on finding b through d.

CASE MANAGER:

Huy Pham



N



312 Burlleson

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