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A PROFESSIONAL CORPORATION

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ERNEST W. CLEMENS
(1897-1978)

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(1923-2013)

December 3, 2015

Mr. Roderick Sanchez
Director of Development Services
City of San Antonio
1901 S. Alamo St.
San Antonio, TX 78204

via Hand-Delivery

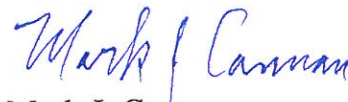
Dear Mr. Sanchez:

With this letter I am delivering for filing the necessary documents for an appeal of a decision of the Historic Preservation Officer. The appeal is made pursuant to UDC Section 35-481(a)(1) on behalf of the River Road Neighborhood Association, a person aggrieved by the decision. ("Person" is defined in the UDC Section 35-A101 to include neighborhood associations.)

In accordance with Section 35-481(b)(2) I am requesting there be an automatic stay of all proceedings with respect to the proposed work that is the subject of this appeal, to include a stay of the issuance of any further permits for the work on the premises.

Should you have any questions, please let me know.

Sincerely yours,



Mark J. Cannan

MJC/jdm

Enclosure

cc (w/Enclosure):

San Antonio Board of Adjustment
1901 S. Alamo St.
San Antonio, TX 78204

Mr. Daniel Ortiz
Brown & Ortiz, P.C.
112 E. Pecan St., Suite 1369
San Antonio, TX 78205



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT

CITY OF SAN ANTONIO

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COUNTY OF BEXAR

STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description (Attach field notes if necessary):

Lot no. 1

Block No. 15

NCB 6204 Property Address: 112 Lindell Place

Per Section 35-481 of the Unified Development Code (UDC), the Zoning Board of Adjustment is empowered to consider appeals of a decision made by an administration official.

The Applicant, River Road Neighborhood Association of Bexar County, alleges that

the following administrative official Shanon Miller, in his/her capacity as

(Name of Official)

Historic Preservation Officer, made an incorrect decision, or interpretation regarding Section 35A-101, -614, and -619.

(Title of Official)

of the UDC. This incorrect decision or interpretation was (List the section(s) of the UDC that was applied incorrectly. Provide details why the decision was incorrect or misinterpreted.): See attached.

The correct decision or interpretation should be as follows (List the section(s) of the UDC that should be applied in this decision. Provide details how the decision should be made.): The structure at 112 Lindell Place is located in a historic district and is contributing to the

district. The property owner is seeking to remove one-third of the structure and that constitutes a demolition as that term is defined in UDC Section 35-A101.

There is no clear and convincing evidence supporting an unreasonable economic hardship, and no evidence of loss of significance was presented to support

demolition under UDC Section 35-614. Further, no application was made pursuant to UDC Section 35-619 for a determination that the structure, or any

part of it, was non-contributing. The application for work at 112 Lindell should be denied and the determination of the HPO reversed.

*Note: Local Government Code § 211.010 (b) and San Antonio City Code § 35-481 (b)(1) require that the applicant give notice of the specific grounds for the appeal. Failure to state the reasons for the alleged error and applicable code sections will result in the return of your application. Please attach additional pages if necessary.

Respectfully submitted:

Applicant's name: River Road Neighborhood Association

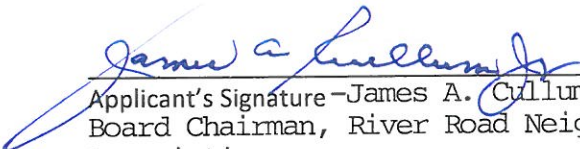
Status: Owner () Agent () ☒ Person aggrieved per UDC Section 35-481

Mailing address: c/o Mark J. Cannan, Clemens & Spencer, 112 E. Pecan St., Suite 1300, San Antonio, TX 78205

Telephone: (210) 227-7121

Alternate: _____

Email: cannanm@clemens-spencer.com


Applicant's Signature - James A. Cullum, Jr.
Board Chairman, River Road Neighborhood
Association

12/3/15
Date

Property Owner: N/A.

Mailing address: _____

Telephone: _____ Alternate: _____

Email: _____

I, River Road Neighborhood Association and James A. Cullum, Jr., ^{aggrieved party} ~~the owner of the subject property,~~ authorize

Mark J. Cannan to submit this application and represent me in this
appeal before the Board of Adjustment.

Please include the following items with this appeal

- ☒ Documentation from City of San Antonio representing the decision you are appealing and proof that you are within the mandatory 30 day time limit to file the appeal.
- ☒ Sections of the UDC from which the decision was based, including all support sections which potentially reinforce your assertion that an error was made.
- ☐ ~~N/A~~ Property Ownership documentation, including a copy of the warranty deed and Bexar County Appraisal District.
- ☒ Filing Fee of \$600.

The Historic Preservation Officer ("HPO") considered and approved proposed work on the residential structure in the River Road Historic District at 112 Lindell. The structure was a part of River Road at the time of the designation of the area as a Historic District and is therefore a contributing property. The proposed work involves the removal of one-third of the structure. That work constitutes demolition as that term is defined in UDC Section 35-A101.

The applicant for the work did not submit an application for demolition. No information was submitted to show either economic hardship or loss of significance as required by Section 35-614.

No request or application for a determination that the structure or any part of it was non-contributing was made. An application is a mandatory requirement of Section 35-619 before the question can even be considered.

The HPO purported to approve the proposed work based on the structure being a "minor outbuilding" described in the UDC Section 35-614(f) "as carports, detached garages, sheds and greenhouses." That finding was not only unsupported by any evidence, but was contrary to the evidence. There is no outbuilding. The residential structure at 112 Lindell is the only structure on those premises and had never been an accessory to any other house or structure. It had been a residence for at least the last 60 years.

In summary, the HPO approved a partial demolition of a structure presumed to be contributing since the designation of River Road as a historic district in 2010. The approval was made without any attempt to demonstrate either economic hardship or loss of significance. Neither the structure nor any part of it was ever the subject of an application for designation as non-contributing. Nonetheless, the HPO improperly and with no factual basis, treated the residential structure as a non-contributing outbuilding in order to allow the demolition.

Significantly, the 112 Lindell property was the subject of Case No. A-11-059 four years ago when the owner sought total demolition. This Board upheld a finding that the structure had no loss of significance and could not be demolished. That determination was upheld in court, and it is that determination that explains the obfuscation and mischaracterization that has occurred in order to avoid properly designating the current proposal as involving a demolition of a contributing structure.