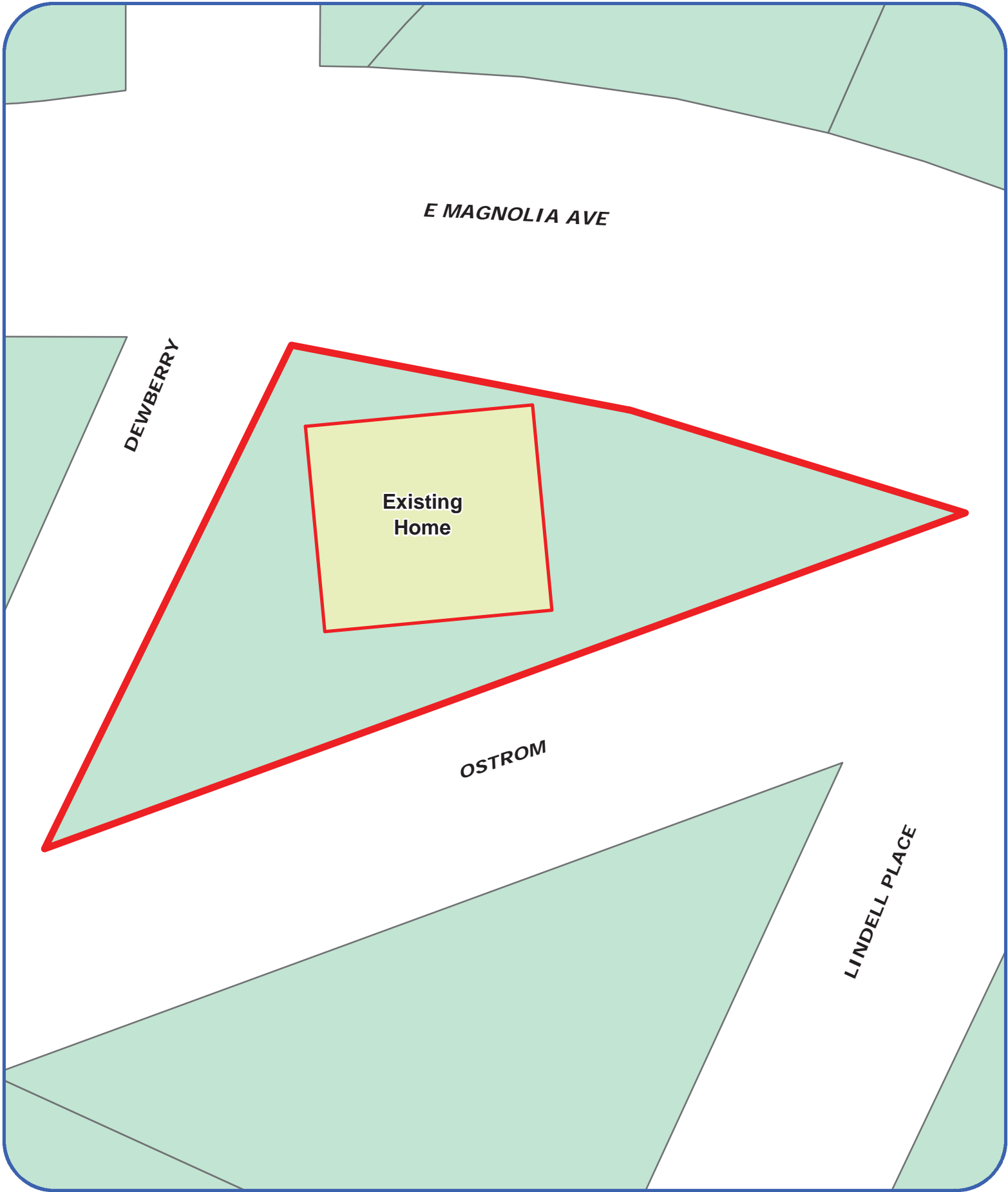


Development Services Department
City of San Antonio



Board of Adjustment
Plot Plan for
Case No A-18-021



"NOT TO SCALE,
FOR ILLUSTRATIVE PURPOSES ONLY"
Council District: 1

205 Ostrom Dr

Development Services Department
City of San Antonio

A-18-021 Pictures
Subject Property – 205 Ostrom



205 Ostrom



205 Ostrom

Oct 31, 2017, 2:28:11 PM
San Antonio



205 Ostrom

Oct 31, 2017, 2:28:37 PM
San Antonio





CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

HISTORIC AND DESIGN REVIEW COMMISSION COMMISSION ACTION

This is not a Certificate of Appropriateness and cannot be used to acquire permits

November 1, 2017

HDRC CASE NO: 2017-478
ADDRESS: 205 OSTROM
LEGAL DESCRIPTION: NCB 6938 BLK LOT 1&2
HISTORIC DISTRICT: River Road
APPLICANT: Tobias Stapleton - 1915 Broadway
OWNER: Tobias Stapleton - 1915 Broadway

REQUEST:

The applicant is requesting conceptual approval to:

1. Demolish the historic structure located at 205 Ostrom.
2. Construct a two story, primary residential structure on the east end of the lot.
3. Construct a two story, primary residential structure on the west end of the lot.
4. Construct two, two story, rear accessory structures at the rear of each two story structure.
5. Install two driveways/parking locations on the site.

As an alternative to the above-listed request, the applicant is requesting conceptual approval to:

6. Construct a two story accessory structure at the rear of the existing, historic structure.

FINDINGS:

General findings:

- a. DESIGN REVIEW COMMITTEE – This request was originally reviewed by the Design Review Committee on February 21, 2017. At that meeting, committee members commented on the proposed architecture and noted concerns regarding the proposed massing and turrets. A site visit was conducted with HDRC Commissioners, members of the River Road Neighborhood Association, neighbors and Office of Historic Preservation Staff on March 22, 2017. At that site visit, access was provided to both the exterior of the structure as well as the interior. This request was reviewed again by the Design Review Committee on April 25, 2017. At that time, a new design was presented to the committee and received positive feedback.
- b. DESIGN REVIEW COMMITTEE – A second site visit was conducted by the DRC on June, 28, 2017. At that site visit, committee members viewed the structure and commented on its structural condition. Committee members noted at that time that there was a loss of architectural and structural significance. This request was reviewed by the DRC on July 25, 2017. At that meeting, committee members noted concern over the proposed setbacks in relationship to others found within the River Road Historic District and noted that the proposed flat roof of the second primary structure is not appropriate for the district.
- c. This request was heard at the August 2, 2017, Historic and Design Review Commission hearing where the application was withdrawn by the applicant. This request was reviewed by the Design Review Committee on September 12, 2017, where the applicant noted a change in the proposed roof form of one of the primary structures and provided additional information regarding structural analyses by structural engineers. This request was heard by the HDRC At the September 20, 2017, hearing where it was withdrawn by the applicant. This request was reviewed by the Design Review Committee on October 25, 2017, where the committee noted that accurate survey information was needed, that diagrams noting changes and improvements since previous reviews should be included in the presentation documents, that the proposed single width garage doors were not appropriate and that the proposed two story accessory structure at the rear of the single story historic structure overpowered the historic structure.

- d. The River Road Historic District has been intensely opposed to the demolition of structures located within the district. The criteria outlined for the demolition of a contributing structure noted in UDC Section 35-618 is important to the public process.
- e. ARCHAEOLOGY – The project area is within the River Improvement Overlay District and the River Road Local Historic District. A review of historic archival maps shows the Upper Labor Acequia crossing the property. Therefore, Archaeological investigations may be required.

Findings related to request item #1:

1a. The structure located at 205 Ostrom was constructed circa 1935 and is located within the River Road Historic District. The structure features architectural elements that are indicative of the Minimal Traditional Style that can be found in the district. The house features many of its original materials including wood siding and wood windows. However, modifications to the form of the historic structure have resulted in the removal and enclosing of the front porch, which now presents itself as a screened porch. Despite these modifications, staff finds the house to be a contributing resource within the River Road Historic District due to its construction date and architectural style.

1b. The loss of a contributing structure is an irreplaceable loss to the quality and character of San Antonio. Demolition of any contributing buildings should only occur after every attempt has been made, within reason, to successfully reuse the structure. Clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved must be presented by the applicant in order for demolition to be considered. The criteria for establishing unreasonable economic hardship are listed in UDC Section 35-614 (b)(3). The applicant must prove by a preponderance of the evidence that: A. 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; [The applicant has provided detailed cost estimate for rehabilitation of the structure which is approximately \$589,242. This bid was provided by a contractor who was approved by the applicant's financing provider. The applicant has noted that the rehabilitation or new construction at this site is limited to a contractor that is recommended and approved by their financial provider. The applicant has noted that financing for the proposed rehabilitation and new construction has been limited due to the current condition of the structure. Staff finds that an alternative opinion by a third-party contractor may result in a lower estimate for repairs. The applicant has not submitted additional bids at this time.

B. The structure and 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; [The applicant has provided information in the form of a structural report from the selected contractor which notes that the structure is suffering from intense dry rot that has impacted the structure to the extent that certain beam joists and studs have been structurally compromised. Additionally, the structural analysis provided by the contractor notes the collapse of the floor in certain areas, the collapse of ceiling and the roof structure, infestation of wood worm and the presence of fungus throughout the structure. In addition to the report provided by the selected contractor, the applicant has provided structural analyses from two structural engineers. Neither report recommends repairs.]

C. The owner has failed to find a purchaser or tenant for the property during the previous two (2) 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. [The applicant has not provided staff with information noting the active marketing of this property to potential purchasers. The applicant has noted that the structure has been vacant for approximately twenty-three years. The

applicant has owned this property for approximately one year. The UDC Section 35-614 lists the criteria for establishing an unreasonable economic hardship in the context of long-term ownership of a property, not the purchase of a property with the intent to demolish the existing, historic structure.

1c. The applicant has provided additional information in the packet that summarizes financial losses should demolition not be approved. However, these losses are related to the acquisition of the property by the applicant and not the criteria established by the UDC. Staff finds that the applicant has not demonstrated an unreasonable economic hardship in accordance with the UDC. When an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition. If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In

making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

1d. In general, staff encourages the rehabilitation, and when necessary, reconstruction of historic structures. Such work is eligible for local tax incentives. The financial benefit of the incentives should be taken into account when weighing the costs of rehabilitation against the costs of demolition with new construction.

Findings related to request item #2:

2a. SETBACKS & ORIENTATION – According to the Guidelines for New Construction, the front facades of new buildings are to align with front facades of adjacent buildings where a consistent setback has been established along the street frontage. Additionally, the orientation of new construction should be consistent with the historic example found on the block. The applicant has proposed an orientation that is consistent with the historic examples found throughout the district. Regarding setbacks, this lot features an irregular shape, presenting itself as an island. The applicant has proposed a setback that is similar to setbacks found along a typical street in the front, while side setbacks and close to side streets.

2b. SETBACKS & ORIENTATION – While the site plan provided is sufficient for conceptual review of design elements, concern has been expressed regarding the accurateness of the survey provided for the property and actual property lines may differ from those represented in the submitted site plan. Any final plans must represent accurate setback conditions and demonstrate compliance with the Unified Development Code prior to any request for a Certificate of Appropriateness.

2c. TREE SURVEY – At this time, the applicant has not provided staff with a tree survey. A tree survey must be provided to staff noting which existing trees will be impacted by the proposed new construction.

2d. ENTRANCES – According to the Guidelines for New Construction 1.B.i., primary building entrances should be oriented towards the primary street. The applicant has proposed to orient the primary entrance towards the intersection of Ostom and Magnolia Avenue. Staff finds this appropriate and consistent with the Guidelines.

2e. SCALE & MASS – Per the Guidelines for New Construction 2.A.i., a height and massing similar to historic structures in the vicinity of the proposed new construction should be used. The applicant has proposed a two story structure with an overall height of 24' – 3". Many structures in the immediate vicinity feature either one or one and a half stories of height. While the applicant has proposed two stories, many of the neighboring structures feature additional height and steep pitched roofs. Staff finds the proposed height to be appropriate and consistent with the Guidelines.

2f. FOUNDATION & FLOOR HEIGHTS – According to the Guidelines for New Construction 2.A.iii., foundation and floor heights should be aligned within one (1) foot of neighboring structure's foundations. The applicant has proposed a foundation height of 1' – 6". This is appropriate for the district and is consistent with the Guidelines.

2g. ROOF FORM – The applicant has proposed roof forms that include both front and side gabled roofs. Each street, Ostom, Magnolia Avenue and the intersection of the two will have a gable oriented towards them. Staff finds the proposed roof forms appropriate.

2h. WINDOW & DOOR OPENINGS – Per the Guidelines for New Construction 2.C.i., window and door openings with similar proportions of wall to window space as typical with nearby historic facades should be incorporated into new construction. The applicant has featured window openings that feature historic heights and widths as well as window groupings that are found historically on Craftsman structures. This is consistent with the Guidelines.

2i. LOT COVERAGE – The building footprint for new construction should be no more than fifty (50) percent of the size of total lot area. The applicant's proposed building footprint is consistent with the Guidelines for New Construction 2.D.i.

2j. MATERIALS – The applicant has noted the use of a standing seam metal roof and board and batten siding. Staff finds that the board and batten siding feature boards that are twelve (12) inches wide with battens that are 1 – ½" wide, that the standing seam metal roof feature panels that are 18 to 21 inches wide, seams are 1 to 2 inches in height, a crimped ridge seam or low profile ridge cap and a standard galvalume finish. A large profiled ridge cap shall not be used.

2k. WINDOW MATERIALS – At this time, the applicant has not provided information regarding window materials. Staff recommends the installation of wood windows that are consistent with the Historic Design Guidelines, Window Policy Document as noted in finding n that are to include traditional dimensions and profiles, be recessed within the window frame, feature traditional materials or appearance and feature traditional trim and sill details.

2l. ARCHITECTURAL DETAILS – New buildings should be designed to reflect their time while representing the

historic context of the district. Additionally, architectural details should be complementary in nature and should not detract from nearby historic structures. Generally, the proposed structure is consistent with the Guidelines; however.

Findings related to request item #3:

3a. SETBACKS & ORIENTATION – According to the Guidelines for New Construction, the front facades of new buildings are to align with front facades of adjacent buildings where a consistent setback has been established along the street frontage. Additionally, the orientation of new construction should be consistent with the historic example found on the block. The applicant has sited this structure in the middle of the lot. Generally, given the dimensions and shape of the existing lot, staff finds this arrangement appropriate.

3b. SETBACKS & ORIENTATION – While the site plan provided is sufficient for conceptual review of design elements, concern has been expressed regarding the accurateness of the survey provided for the property and actual property lines may differ from those represented in the submitted site plan. Any final plans must represent accurate setback conditions and demonstrate compliance with the Unified Development Code prior to any request for a Certificate of Appropriateness.

3c. TREE SURVEY – At this time, the applicant has not provided staff with a tree survey. A tree survey must be provided to staff noting which existing trees will be impacted by the proposed new construction.

3d. ENTRANCES – According to the Guidelines for New Construction 1.B.i., primary building entrances should be oriented towards the primary street. The applicant has proposed to orient the primary entrances towards both Ostrom and Magnolia Avenue. Staff finds this appropriate and consistent with the Guidelines.

3e. SCALE & MASS – Per the Guidelines for New Construction 2.A.i., a height and massing similar to historic structures in the vicinity of the proposed new construction should be used. The applicant has proposed a two story structure with an overall height of 24' – 0" for the primary mass and 28' – 9" for the two stair towers. Many structures in the immediate vicinity feature either one or one and a half stories of height. While the applicant has proposed two stories, many of the neighboring structures feature additional height and steep pitched roofs. Staff finds the proposed height to be appropriate and consistent with the Guidelines.

3f. FOUNDATION & FLOOR HEIGHTS – According to the Guidelines for New Construction 2.A.iii., foundation and floor heights should be aligned within one (1) foot of neighboring structure's foundations. The applicant has not specified the foundation height for this structure; however, staff finds that it should be comparable to that of the first structure and be consistent with the Guidelines.

3g. ROOF FORM – The applicant has proposed to modify the previously proposed flat roof form to include a gabled roof, consistent with the Guidelines.

3h. WINDOW & DOOR OPENINGS – Per the Guidelines for New Construction 2.C.i., window and door openings with similar proportions of wall to window space as typical with nearby historic facades should be incorporated into new construction. The applicant has featured window openings that feature historic heights and widths as well as window groupings that are typical for historic structures in the district.

3i. LOT COVERAGE – The building footprint for new construction should be no more than fifty (50) percent of the size of total lot area. The applicant's proposed building footprint is consistent with the Guidelines for New Construction 2.D.i.

3j. MATERIALS – The applicant has noted the use of both vertical and horizontal siding; however, has not noted the material. Staff finds the use of wood or Hardi board siding to be appropriate; however, staff finds that the horizontally oriented Hardi siding should feature an exposure of four inches, that the board and batten siding feature boards that are twelve (12) inches wide with battens that are 1 – ½" wide.

3k. WINDOW MATERIALS – At this time, the applicant has not provided information regarding window materials. Staff recommends the installation of wood windows that are consistent with the Historic Design Guidelines, Window Policy Document as noted in finding n that are to include traditional dimensions and profiles, be recessed within the window frame, feature traditional materials or appearance and feature traditional trim and sill details.

3l. ARCHITECTURAL DETAILS – As previously noted, the applicant has proposed a flat roof in combination with horizontal and vertical siding. Typically, flat roofs that are found throughout the River Road Historic District feature Spanish Eclectic architectural detailing including decorative roof parapets. Staff does not find the proposed roof to be appropriate in relationship to the proposed materials and adjacent proposed structure. Staff finds that a second structure that matches the design of the structure in request item #2 would be more appropriate.

Findings related to request item #4:

4a. ACCESSORY STRUCTURES – To the rear (west) of the structure noted in request item #2 and to the side(south) of the structure noted in request item #3, the applicant has proposed to construct two, two story accessory structures to accommodate vehicular parking as well as a second level dwelling unit. The proposed accessory

structures feature an overall profile and massing that is subordinate to the proposed, primary residential structures, feature appropriately detailed garage doors and feature architectural detailing that's consistent with the historic examples found throughout the River Road Historic District. Staff finds the proposed accessory structures appropriate and consistent with the Guidelines.

4b. SETBACKS & ORIENTATION – While the site plan provided is sufficient for conceptual review of design elements, concern has been expressed regarding the accurateness of the survey provided for the property and actual property lines may differ from those represented in the submitted site plan. Any final plans must represent accurate setback conditions and demonstrate compliance with the Unified Development Code prior to any request for a Certificate of Appropriateness.

4c. TREE SURVEY – At this time, the applicant has not provided staff with a tree survey. A tree survey must be provided to staff noting which existing trees will be impacted by the proposed new construction.

Findings related to request item #5:

5a. DRIVEWAYS – The applicant has proposed to introduce one new curb cut on the property to exist with an existing curb cut that is located on Ostrom Drive. The Guidelines for Site Elements note that historic profiles are to be used for the creation of curb cuts and that typical driveway widths are to be used, typically no wider than ten feet in historic districts; however, there are examples in the immediate area of curb cut and driveway widths that are wider than ten feet in width. Staff finds that the proposed driveway location are appropriate.

5b. TREE SURVEY – At this time, the applicant has not provided staff with a tree survey. A tree survey must be provided to staff noting which existing trees will be impacted by the proposed new construction.

Findings related to request item #6:

6a. As an alternative to demolition with new construction, the applicant has proposed to construct a two story accessory structure at the rear of the existing, historic structure. The Guidelines for New Construction 5.A. notes that accessory structures should be designed to be visually subordinate to the primary historic structure on the lot, should be no larger than 40 percent of the primary historic structure's footprint, should relate to the construction period and architecture of the primary historic structure and should feature windows and doors similar to those of the primary historic structure. The Guidelines for New Construction 5.B. notes that the prominent garage orientation of the block and the historic setback of accessory structures should be matched.

6b. SETBACKS & ORIENTATION – While the site plan provided is sufficient for conceptual review of design elements, concern has been expressed regarding the accurateness of the survey provided for the property and actual property lines may differ from those represented in the submitted site plan. Any final plans must represent accurate setback conditions and demonstrate compliance with the Unified Development Code prior to any request for a Certificate of Appropriateness.

6c. LOT LAYOUT – The lot at 205 Ostrom features an irregular shape and layout, inconsistent with the primary development pattern found in the district. The applicant has proposed to locate the accessory structure at the western portion of the site, to the side and rear of the primary historic structure, similar to the location of accessory structures found elsewhere in the district. While the general orientation of the accessory structure is skewed, staff finds the placement appropriate.

6d. TREE SURVEY – At this time, the applicant has not provided staff with a tree survey. A tree survey must be provided to staff noting which existing trees will be impacted by the proposed new construction.

6e. MASSING & HEIGHT – The proposed overall height of the accessory structure is approximately twenty-five(25) feet in height. The proposed height is greater than that of the primary historic structure on the lot. Staff finds that the applicant should study ways to decrease the overall height of the proposed structure such as reducing the top place of the second floor for a 1 ½ story accessory instead of a full two stories.

6f. MATERIALS – Regarding materials, the applicant has proposed materials that consist of an asphalt shingle roof, double hung wood windows, wood or Hardi board siding. Staff finds the proposed materials appropriate; however the proposed siding should feature an exposure of four inches and a smooth finish.

RECOMMENDATION:

1. Staff does not recommend approval of demolition based on findings 1.a. and 1.c.

If the HDRC finds that a loss of significance has occurred or finds that the criteria for establishing an unreasonable economic hardship have been met and approves the requested demolition, then staff makes the following recommendations regarding the requested new construction:

2 – 3. Staff recommends conceptual approval of items #2 and #3, the construction of two, two-story primary residential structure on the lot based on findings 2a through 3l, with the following stipulations. This is only applicable if item #1, demolition is approved.

i. That the applicant install board and batten siding feature boards that are twelve (12) inches wide with battens that are 1 – ½" wide, that the standing seam metal roof feature panels that are 18 to 21 inches wide, seams are 1 to

2 inches in height, a crimped ridge seam and a standard galvalume finish on the proposed structure in request item #2.

ii. That the applicant install wood or aluminum clad wood windows should be installed that feature meeting rails that are no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and an architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening.

iii. That the applicant should fully utilize architectural elements that are consistently found on structures with flat roofs throughout the district in a contemporary manner and incorporate materials that are appropriate for the proposed form for request item #3 as noted in findings 3e and 3j.

iv. That the applicant propose a design for the accessory structure that is consistent with the Guidelines for New Construction as noted in finding 4a.

v. Archaeological investigations may be required. The archaeological scope of work should be submitted to the OHP archaeologists for review and approval prior to beginning the archaeological investigation. The development project shall comply with all federal, state, and local laws, rules, and regulations regarding archaeology.

vi. That a site plan with accurate setback dimensions and a tree survey must be submitted prior to an application final approval.

4 – 5. If the HDRC finds that a loss of significance has occurred or finds that the criteria for establishing an unreasonable

economic hardship have been met and approves the requested demolition, then staff makes the following recommendations regarding the requested new construction:

Staff recommends approval of items #4 and #5, the construction of two, two story accessory structures and the installation of a new driveway, based on findings 4a through 5b with the following stipulations. This is only applicable if item #1, demolition is approved.

i. That the applicant install wood or aluminum clad wood windows should be installed that feature meeting rails that are no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and an architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening.

ii. That the single garage door be eliminated and a two-stall configuration with two separate door be used instead. The doors must feature materials and a profile consistent with historic examples found in the district.

iii. That a site plan with accurate setback dimensions and a tree survey must be submitted prior to an application final approval.

6. Staff recommends conceptual approval of the placement and orientation of the proposed accessory structure, item #6 based on findings 6a through 6f with the following stipulations. This is only applicable if item #1, demolition is not approved.

i. That the applicant propose a way to decrease the overall height of the proposed structure such as reducing the top plate of the second floor for a 1 ½ story accessory instead of a full two stories.

ii. That a site plan with accurate setback dimensions and a tree survey must be submitted prior to an application final approval.

iii. That the applicant install wood or aluminum clad wood windows should be installed that feature meeting rails that are no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and an architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening.

iv. That the single garage door be eliminated and a two-stall configuration with two separate door be used instead. The doors must feature materials and a profile consistent with historic examples found in the district.

COMMISSION ACTION:

Denied.

A handwritten signature in black ink, appearing to read "Shanon Shea Miller". The signature is fluid and cursive, with the first name "Shanon" being more prominent.

Shanon Shea Miller
Historic Preservation Officer



HDRC Recommendation for Denial



- House at 205 Ostrom was constructed circa 1935
- River Road Historic District was created in 2010
- Demolition of historic properties requires a Certificate of Appropriateness per UDC 35-451



HDRC Recommendation for Denial

- Demolition of a historic building is a “last resort” after all other attempts to retain the structure have been made
- UDC 35-614 establishes criteria that must be met for the HDRC to recommend a Certificate of Appropriateness
- Economic Hardship & Burden of Proof
 - Evidence must respond to UDC criteria
 - Terms and conditions of a lender, development agreements, and other circumstantial evidence that is not specific to the property in question may not be considered



HDRC Recommendation for Denial

Burden of Proof Requirements:

A) The applicant cannot make a reasonable rate of return on the structure. The applicant's ability to realize the most profitable return possible should not be a factor.

The applicant has provided a cost estimate of \$589,242 for the rehabilitation. This bid was provided by a contractor who is required by the applicant's lender. A third-party contractor may result in a lower estimate for repairs; the applicant has not submitted additional bids that would substantiate this claim.



HDRC Recommendation for Denial

Burden of Proof Requirements:

B) The structure and property cannot be reasonably adapted for any other feasible use.

The applicant has provided structural assessments that indicate extreme deterioration in portions of the structure. These portions would need to be reconstructed with new materials.



HDRC Recommendation for Denial

Burden of Proof Requirements:

C) The owner has failed to find a purchaser or tenant for the property during the previous two (2) years, despite having made substantial ongoing efforts during that period to do so.

The applicant has owned the property for approximately one year and has not attempted to sell the property. The UDC intends for a hardship to be met only within the context of long-term ownership and obligation to maintain the property. The UDC does not consider a recent or pending purchase of a property with the intent to demolish the existing, historic structure.



HDRC Recommendation for Denial

- OHP staff did not recommend approval based on the finding that the requirements of the UDC had not been met and that a claim of Economic Hardship on the owner had not been substantiated in accordance with the UDC
- The HDRC concurred with staff's findings and recommended denial on November 1, 2017.
- 11 Citizens to Be Heard spoke in opposition to request



HDRC Recommendation for Denial

The demolition request was thoroughly reviewed by the HDRC at multiple subcommittee meetings, site visits, and public hearings prior to denial by the Commission:

February 21, 2017	Design Review Subcommittee
March 22, 2017	Design Review Subcommittee (Site Visit)
April 25, 2017	Design Review Subcommittee
May 17, 2017	1 st HDRC Hearing – Withdrawn by Applicant at Hearing
June 28, 2017	Design Review Subcommittee (Site Visit)
July 25, 2017	Design Review Subcommittee
August 2, 2017	2 nd HDRC Hearing – Withdrawn by Applicant at Hearing
September 12, 2017	Design Review Subcommittee
September 20, 2017	3 rd HDRC Hearing – Withdrawn by Applicant at Hearing
October 25, 2017	Design Review Subcommittee
November 1, 2017	4th HDRC Hearing – Recommendation for Denial



HDRC Recommendation for Denial

Appeals:

- Authorized by UDC 35-451 and 35-481
- Appeal must include details regarding an incorrect interpretation by the administrative official (Historic Preservation Officer)
- New evidence or factors that are unrelated to the review and recommendation for denial for demolition may not be considered



HDRC Recommendation for Denial

Additional Information:

- If appeal is approved, new construction must still be approved by the HDRC prior to any demolition activity
- The applicant is concurrently seeking HDRC approval for new construction of a detached accessory structure alongside rehabilitation plans; OHP staff supports this alternative
- If no plans move forward, the property will be subject to the property maintenance requirements



HDRC Recommendation for Denial

Recommendation:

- The Burden of Proof requirements of UDC 35-614 which would substantiate a claim for economic hardship have not been met by the applicant
- The HDRC thoroughly reviewed the evidence and was correct in its interpretation
- Staff recommends that the decision to deny demolition for 205 Ostrom be upheld



HDRC Recommendation for Denial

Thank you