

HISTORIC AND DESIGN REVIEW COMMISSION

February 07, 2018

HDRC CASE NO: 2018-032
ADDRESS: 233 DONALDSON AVE
LEGAL DESCRIPTION: NCB 6693 BLK 2 LOT 9
ZONING: R-6 H
CITY COUNCIL DIST.: 7
DISTRICT: Monticello Park Historic District
APPLICANT: Bill Leighton
OWNER: Paula Sullivan
TYPE OF WORK: Demolition of rear accessory structure, window modification
APPLICATION RECEIVED: January 12, 2018
60-DAY REVIEW: March 13, 2018
REQUEST:

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

1. Widen an existing window opening on the rear façade.
2. Demolish a contributing rear accessory structure.

APPLICABLE CITATIONS:

Historic Design Guidelines, Chapter 2, Exterior Maintenance and Alterations

6. Architectural Features: Doors, Windows, and Screens

A. MAINTENANCE (PRESERVATION)

- Openings*—Preserve existing window and door openings. Avoid enlarging or diminishing to fit stock sizes or air conditioning units. Avoid filling in historic door or window openings. Avoid creating new primary entrances or window openings on the primary façade or where visible from the public right-of-way.
- Doors*—Preserve historic doors including hardware, fanlights, sidelights, pilasters, and entablatures.
- Windows*—Preserve historic windows. When glass is broken, the color and clarity of replacement glass should match the original historic glass.
- Screens and shutters*—Preserve historic window screens and shutters.
- Storm windows*—Install full-view storm windows on the interior of windows for improved energy efficiency. Storm window may be installed on the exterior so long as the visual impact is minimal and original architectural details are not obscured.

B. ALTERATIONS (REHABILITATION, RESTORATION, AND RECONSTRUCTION)

- Doors*—Replace doors, hardware, fanlight, sidelights, pilasters, and entablatures in-kind when possible and when deteriorated beyond repair. When in-kind replacement is not feasible, ensure features match the size, material, and profile of the historic element.
- New entrances*—Ensure that new entrances, when necessary to comply with other regulations, are compatible in size, scale, shape, proportion, material, and massing with historic entrances.
- Glazed area*—Avoid installing interior floors or suspended ceilings that block the glazed area of historic windows.
- Window design*—Install new windows to match the historic or existing windows in terms of size, type, configuration, material, form, appearance, and detail when original windows are deteriorated beyond repair.
- Muntins*—Use the exterior muntin pattern, profile, and size appropriate for the historic building when replacement windows are necessary. Do not use internal muntins sandwiched between layers of glass.
- Replacement glass*—Use clear glass when replacement glass is necessary. Do not use tinted glass, reflective glass, opaque glass, and other non-traditional glass types unless it was used historically. When established by the architectural style of the building, patterned, leaded, or colored glass can be used.
- Non-historic windows*—Replace non-historic incompatible windows with windows that are typical of the architectural style of the building.
- Security bars*—Install security bars only on the interior of windows and doors.

- ix. *Screens*—Utilize wood screen window frames matching in profile, size, and design of those historically found when the existing screens are deteriorated beyond repair. Ensure that the tint of replacement screens closely matches the original screens or those used historically.
- x. *Shutters*—Incorporate shutters only where they existed historically and where appropriate to the architectural style of the house. Shutters should match the height and width of the opening and be mounted to be operational or appear to be operational. Do not mount shutters directly onto any historic wall material.

Unified Development Code Sec. 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.

(1) **Historic Landmark.** No certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided in subsection (c) in order to receive a historic and design review commission recommendation for a certificate for demolition.

(2) **Entire Historic District.** If the applicant wishes to demolish an entire designated historic district, the applicant must provide sufficient evidence to support a finding by the commission of economic hardship on the applicant if the application for a certificate is to be approved.

(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 provides sufficient evidence to support a finding by the commission of 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) in order to receive a certificate for demolition of the property.

(b) Unreasonable Economic Hardship.

(1) **Generally.** The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

(2) **Burden of Proof.** The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e., the current economic climate). When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission 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;

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; and

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.

(3) **Criteria.** The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission.

As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and design review commission by affidavit:

A. For all structures and property:

- i. The past and current use of the structures and property;
- ii. The name and legal status (e.g., partnership, corporation) of the owners;
- iii. The original purchase price of the structures and property;
- iv. The assessed value of the structures and property according to the two (2) most recent tax assessments;
- v. The amount of real estate taxes on the structures and property for the previous two (2) years;
- vi. The date of purchase or other acquisition of the structures and property;
- vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;
- viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;
- ix. Any listing of the structures and property for sale or rent, price asked and offers received;
- x. Any consideration given by the owner to profitable adaptive uses for the structures and property;
- xi. Any replacement construction plans for proposed improvements on the site;
- xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable trust for completion of improvements, or a letter of commitment from a financial institution; and
- xiii. The current fair market value of the structure and property as determined by a qualified appraiser.
- xiv. Any property tax exemptions claimed in the past five (5) years.

B. For income producing structures and property:

- i. Annual gross income from the structure and property for the previous two (2) years;
- ii. Itemized operating and maintenance expenses for the previous two (2) years; and
- iii. Annual cash flow, if any, for the previous two (2) years.

C. In the event that the historic and design review commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and design review commission shall notify the owner. Failure by the owner to submit such information to the historic and design review commission within fifteen (15) days after receipt of such notice, which time may be extended by the historic and design review commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.

D. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.

When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission may request that an appraisal be made by the city.

(c) Loss of Significance.

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.

The historic and design review commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

(d) Documentation and Strategy.

(1) Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints or provide a set of digital photographs in RGB color to the historic preservation officer. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.

(2) Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.

(3) Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.

(4) When the commission recommends approval of a certificate for buildings, objects, sites, structures designated as landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.

(e) Issuance of Permit. When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:

0—2,500 square feet = \$2,000.00

2,501—10,000 square feet = \$5,000.00

10,001—25,000 square feet = \$10,000.00

25,001—50,000 square feet = \$20,000.00

Over 50,000 square feet = \$30,000.00

NOTE: Refer to City Code Chapter 10, Subsection 10-119(o) regarding issuance of a permit.

(f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.

(Ord. No. 98697 § 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2014-04-10-0229, § 4, 4-10-14)(Ord. No. 2015-10-29-0921 , § 2, 10-29-15)(Ord. No. 2015-12-17-1077 , § 2, 12-17-15)

FINDINGS:

- a. The primary structure located at 233 Donaldson is a one story single-family home constructed in approximately 1940 in the Spanish Eclectic style. It is a contributing structure within the Monticello Park Historic District. The property contains a rear accessory structure, also constructed circa 1940, which is also contributing to the Monticello Park Historic District. The applicant has requested approval to demolish the rear accessory structure.
- b. WINDOW OPENING MODIFICATION – The applicant has proposed to modify one existing window opening on the rear elevation of the historic structure. The current opening contains a one over one original wood window. The applicant would like to widen and center the opening to accommodate interior plans for a new kitchen and install a new custom built one over one window. According to the Historic Design Guidelines, historic window openings should be preserved. However, due to the fact that the opening is not visible from the public right-of-

way, staff finds that the widening of the opening may be appropriate if the applicant retains the existing one over one wood window and installs an adjacent new one over one wood window to match. A ganged pair of windows would accomplish the desire to widen the opening while preserving existing material and creating a more appropriate window configuration relative to the applicant's submitted proposal.

- c. **DEMOLITION** – The applicant is requesting approval for the demolition of the rear accessory structure only. There are not replacement plans proposed at this time. In general, accessory structures contribute to the character of historic properties and the historical development pattern within a historic district.
- d. **CONTRIBUTING STATUS** - In November 2017, the applicant submitted an application for non-contributing status for the rear accessory structure. The structure was determined to be contributing. The review describes the structure as a one story, single bay residential structure constructed in 1930 featuring a front gable and full porch with simple wooden column porch supports. The structure appears on the 1951 Sanborn Map, and newspaper archives revealed advertisements for a two-room furnished apartment in 1931. On January 24, 2018, staff conducted a site visit to evaluate the condition of the property. While several original materials exist and the original footprint appears to be intact, the structure has undergone several ill-executed modifications over the years, including a side addition and opening adjustments that are causing the structure to separate or collapse in various places. While staff finds that the structure is rapidly deteriorating, the structure is still contributing to the district.
- e. **UNREASONABLE ECONOMIC HARDSHIP** – In accordance with UDC Section 35-614, no certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance. In order for unreasonable economic hardship to be met, the owner must provide sufficient evidence for the HDRC to support a finding in favor of demolition. In the submitted application, the applicant has indicated that the structure no longer serves a purpose and poses a safety and health hazard due to rodents and termites. The applicant indicated that he attempted to collect reasonable costs for repair and restoration. Staff finds that evidence for UDC Section 35-614(b) has been met based on the documentation provided.
- f. **LOSS OF SIGNIFICANCE** –In accordance with UDC Section 35-614(c), demolition may be recommended if the owner has provided sufficient evidence to support a finding that the structure has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archaeological significance, qualities or features which qualified the structure or property for such designation. Staff finds that a loss of significance may have occurred due to the modifications and substantial deterioration of original materials.

RECOMMENDATION:

Item 1, Staff recommends approval of the rear window opening modification based on finding b with the following stipulation:

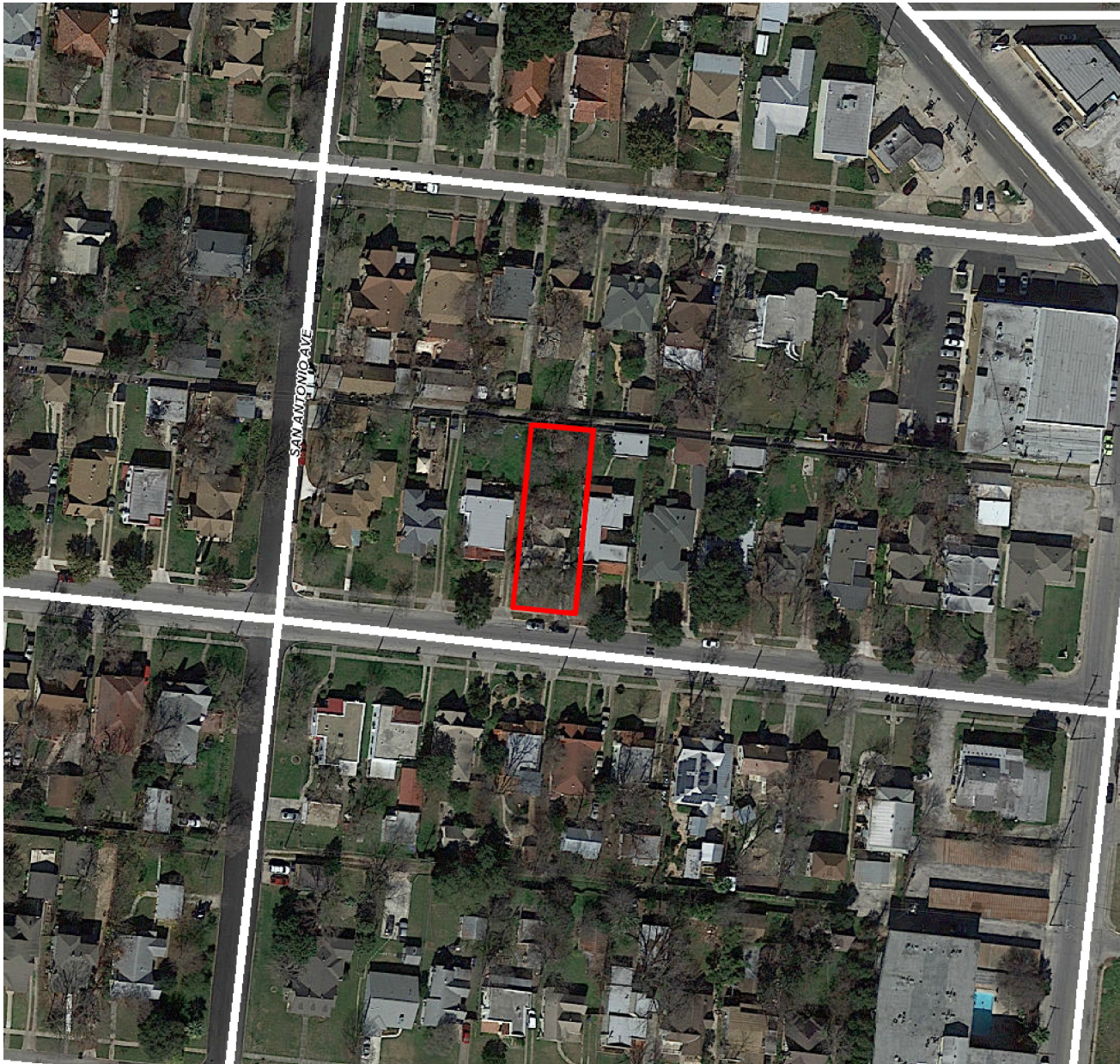
- a. That the applicant creates a double ganged window condition in lieu of their submitted configuration. The applicant should retain the existing window and modify the opening to include an additional window of the same dimensions, profile, configuration, and inset. The applicant must submit a final window specification for the proposed new wood window, as well as a dimensioned drawing showing the final opening modifications, to staff for review and approval. Meeting rails must be no taller than 1.25" and stiles no wider than 2.25". 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 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.

Item 2, Staff recommends approval of the demolition based on findings c through f with the following stipulation:

- i. That materials from the historic accessory structure including salvageable wood siding, wood doors and wood windows be salvaged and stored for use on site in future construction.

CASE MANAGER:

Stephanie Phillips

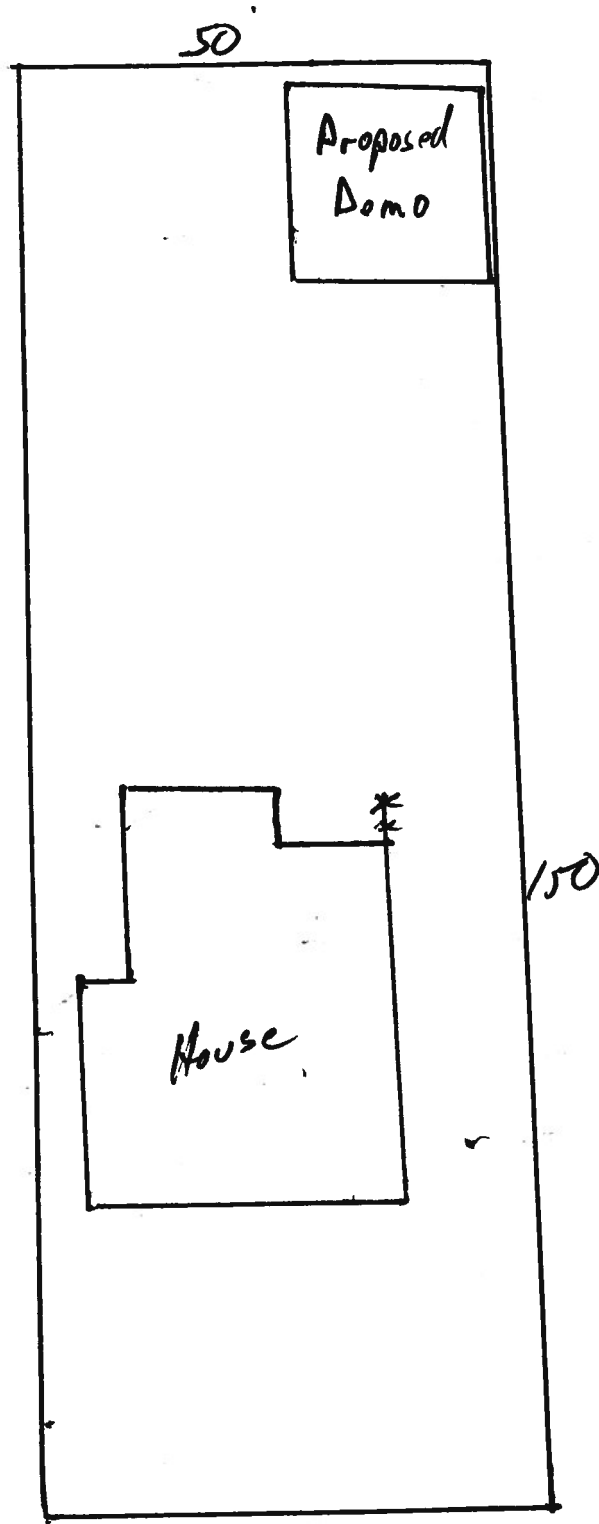


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233 Donaldson Street

Not to scale, but a close representation

Regarding 233 Donaldson

The proposed demolition of the former (very former) garage at this address is part of a complete refurbishment of the long neglected house on this historic property.

The structure is beyond reasonable repair. I do not have any estimates on reconstruction because five different contractors would only give a bid for hauling it off.

There is no floor, its melting into the ground, rafters failing, etc....

There are no plans for a replacement building at this time but any future design would be submitted for your approval

233 Donaldson



233 Donaldson





Dear Paula,

Regarding the garage/outbuilding at 223 Donaldson.

This structure is a total loss. There was no proper foundation originally. One would have to jack up the structure to build a foundation but there is nothing to position a jack under. No floor joist exist, no wall plates exist and the walls are melting into the soil. Nothing is salvageable in the framing, roofing, or siding and no floor exists.

It would be too costly and time consuming for me to give you any estimate on this work. Suffice to say that it would far exceed the cost of replacement in kind.

Thank you,

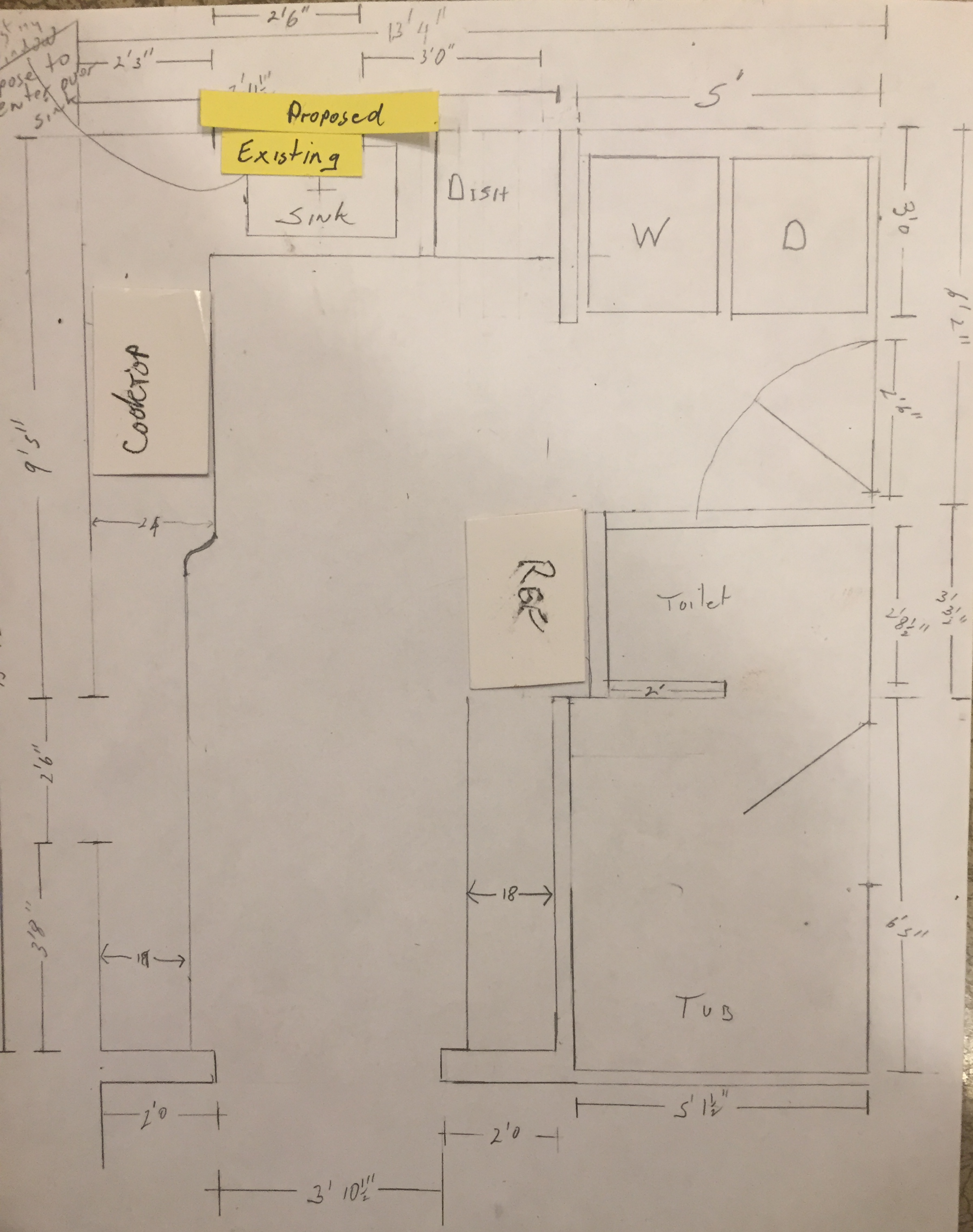
Arturo Chavez

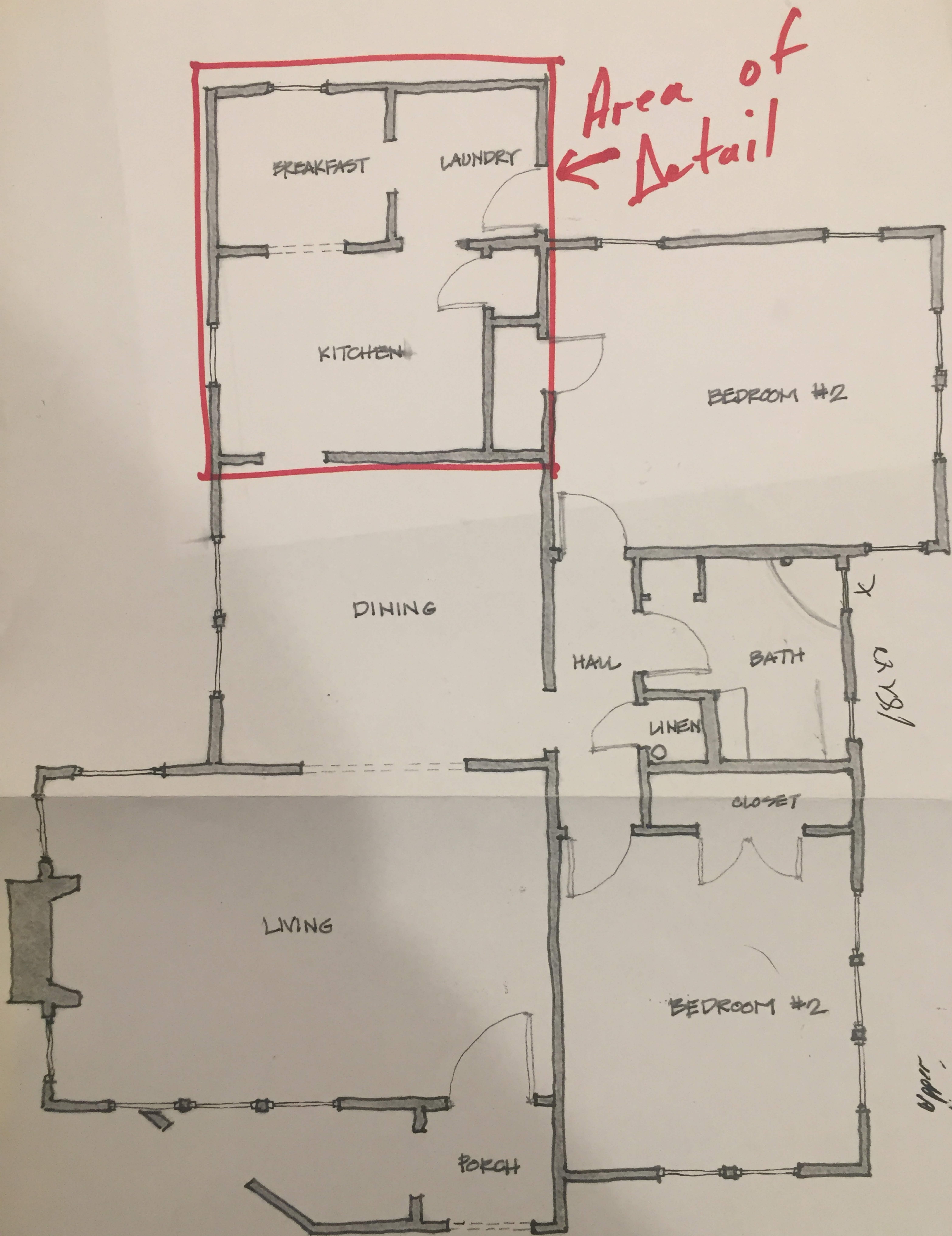
Do It Right Construction



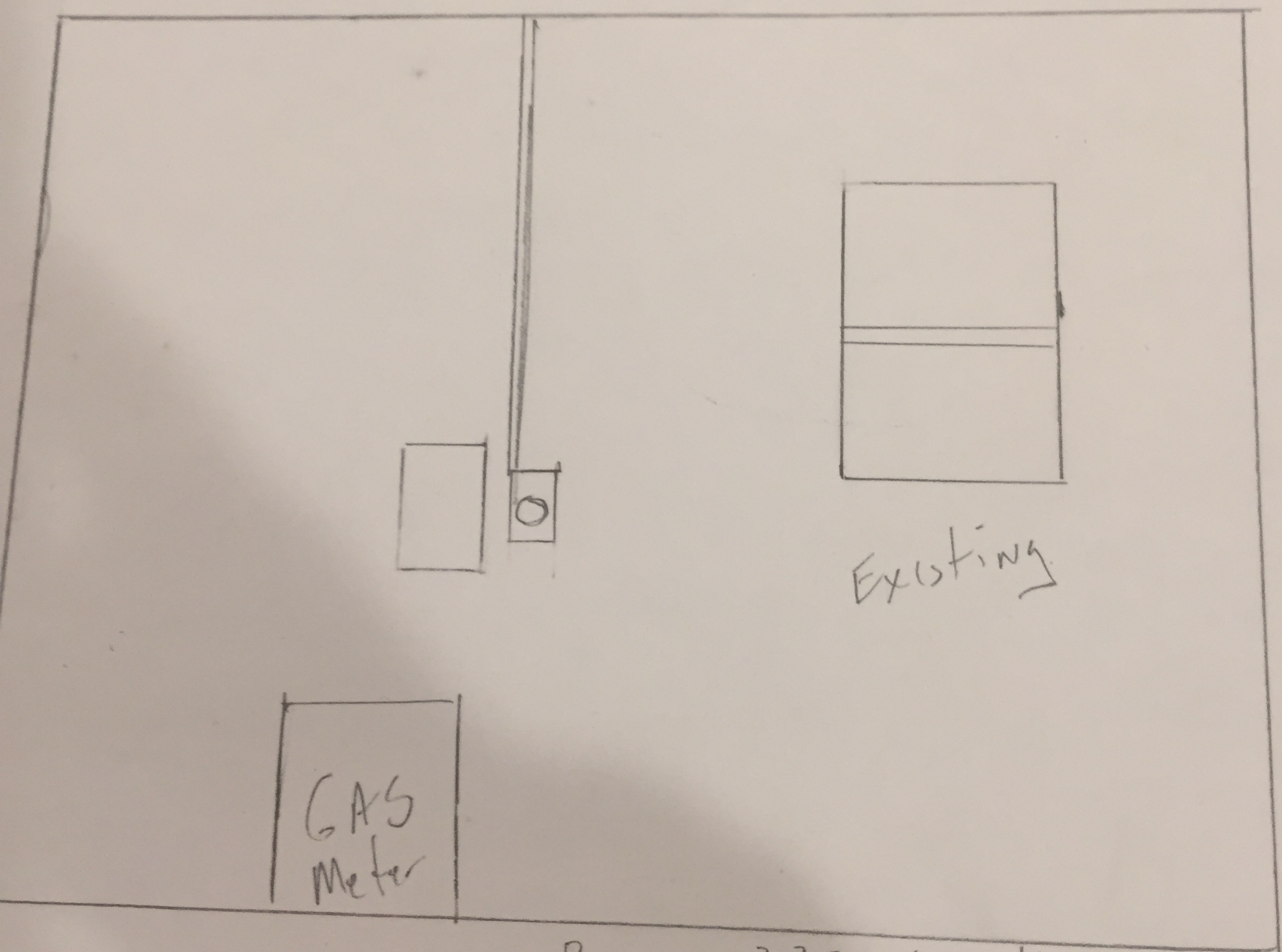






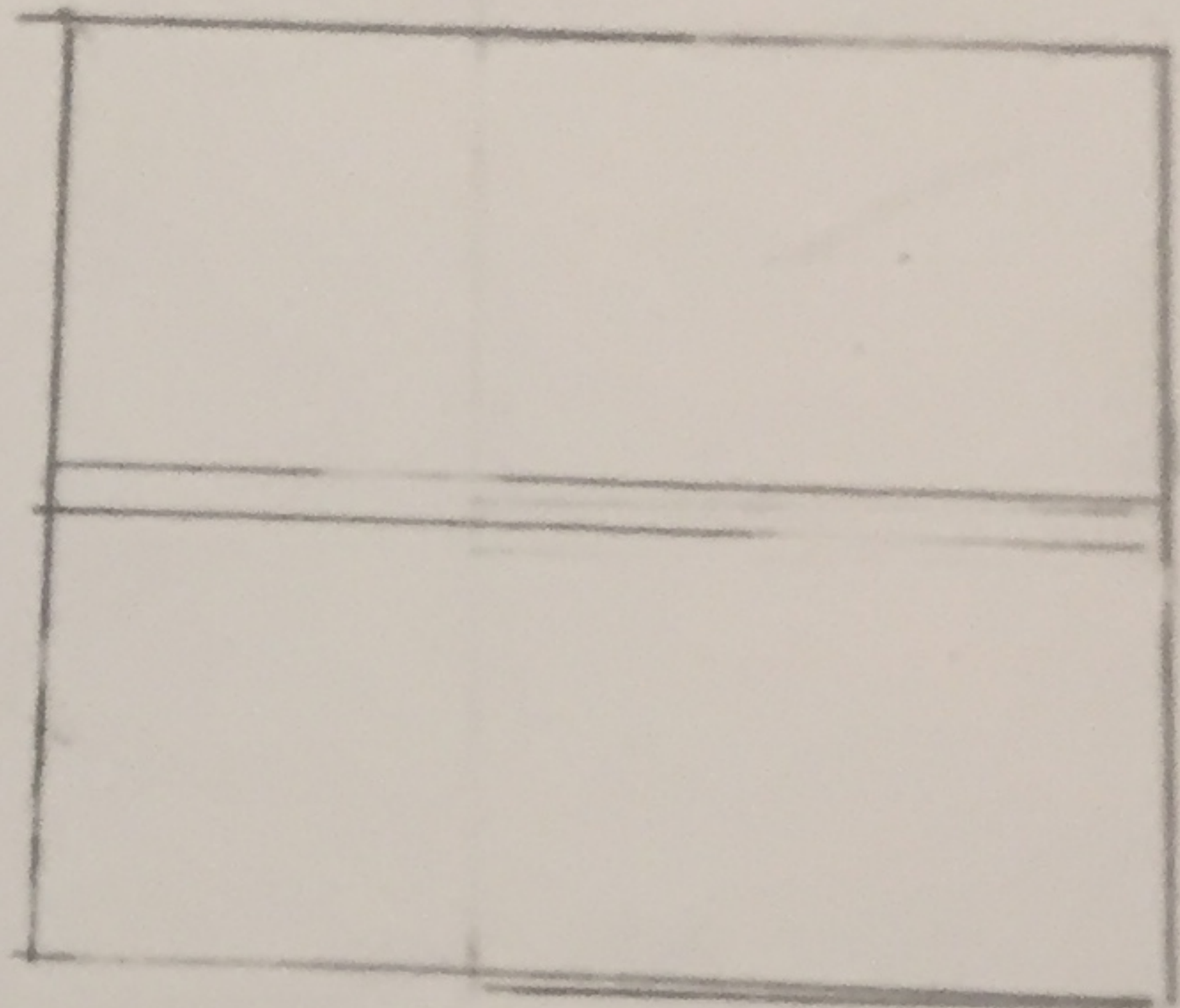
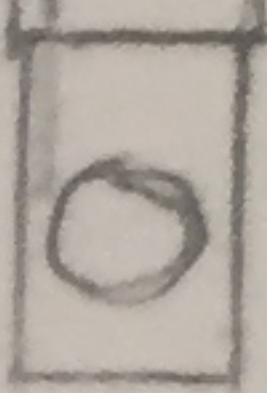


Upper
Missing
to Home



Rear 223 Donaldson

Elec



Proposed

GAS
Meter

Rear 223 Donaldson