

HISTORIC AND DESIGN REVIEW COMMISSION

June 06, 2018

HDRC CASE NO: 2018-189
ADDRESS: 815 N HACKBERRY ST
LEGAL DESCRIPTION: NCB 538 BLK 22 LOT N 66.3 FT OF 14 & N 66.3 FT OF E 9.52 FT OF 13
ZONING: R-5, H
CITY COUNCIL DIST.: 2
DISTRICT: Dignowity Hill Historic District
APPLICANT: Eduardo Martinez
OWNER: Eduardo Martinez
TYPE OF WORK: Demolition of a rear accessory structure
APPLICATION RECEIVED: April 13, 2018
60-DAY REVIEW: June 12, 2018

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to demolish the rear accessory structure at 815 N Hackberry.

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.

(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 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;

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, a 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.

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.

(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 to the historic preservation officer.

(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 |

Historic Design Guidelines, Chapter 2, Guidelines for Exterior Maintenance and Repair

9. Outbuildings, Including Garages

A. MAINTENANCE (PRESERVATION)

i. Existing outbuildings—Preserve existing historic outbuildings where they remain.

ii. Materials—Repair outbuildings and their distinctive features in-kind. When new materials are needed, they should match existing materials in color, durability, and texture. Refer to maintenance and alteration of applicable materials above, for additional guidelines.

B. ALTERATIONS (REHABILITATION, RESTORATION, AND RECONSTRUCTION)

i. Garage doors—Ensure that replacement garage doors are compatible with those found on historic garages in the district (e.g., wood paneled) as well as with the principal structure. When not visible from the public right-of-way, modern paneled garage doors may be acceptable.

ii. Replacement—Replace historic outbuildings only if they are beyond repair. In-kind replacement is preferred; however, when it is not possible, ensure that they are reconstructed in the same location using similar scale, proportion, color, and materials as the original historic structure.

iii. Reconstruction—Reconstruct outbuildings based on accurate evidence of the original, such as photographs. If no such evidence exists, the design should be based on the architectural style of the primary building and historic patterns in the district. Add permanent foundations to existing outbuildings where foundations did not historically exist only as a last resort.

FINDINGS:

- a. The structure at 815 N Hackberry was constructed circa 1920 and features Folk Victorian architectural elements including brackets under the roof eaves, spindle or fretwork and both a front and side gabled roof. The primary historic structure and rear accessory structure first appear on the 1951 Sanborn map. A previous structure with a much smaller footprint was located at this location on the 1912 Sanborn map.
- b. **DEMOLITION** – At this time, the applicant is requesting approval for the demolition of the rear accessory structure. In general, accessory structures contribute to the character of historic properties and the historic development pattern within a historic district.
- c. **CONTRIBUTING STATUS** – As noted in finding a, the structure is found on the 1951 Sanborn Map and features a footprint that is generally consistent with the footprint presently found on site. Staff performed a site visit on April 23, 2018, and found the structure to be in disrepair; however, the structure is still contributing to the district.
- d. **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. The applicant has noted that the repair of the accessory structure would be significantly higher than the cost to demolish the structure. The applicant has provided a cost estimate to OHP staff noting the cost for reconstruction of a structurally sound accessory structure and an engineer's letter noting a poor structural condition and an inadequate foundation.

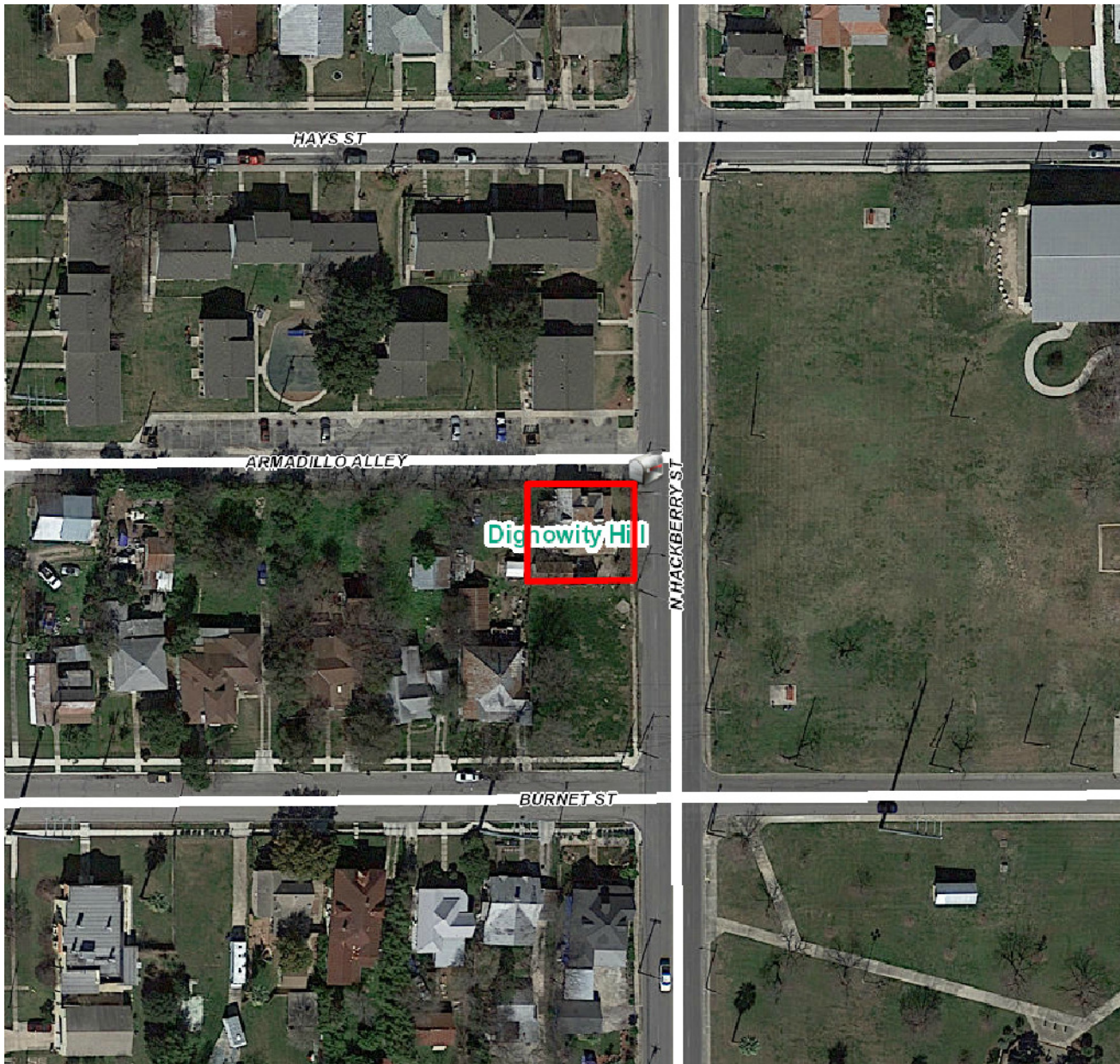
- e. **LOSS OF SIGNIFICANCE** – In accordance with UDC Section 35-614(c), demolition may be recommended if the owner has provided sufficient evidence to support a finding that the structure has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural 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 substantial deterioration of original materials.

RECOMMENDATION:

Staff recommends approval of the proposed demolition of the rear accessory structure with the stipulation that materials that have not deteriorated be salvaged and stored on site.

CASE MANAGER:

Edward Hall



Flex Viewer

Powered by ArcGIS Server

Printed: Apr 24, 2018

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815 North Hackberry

Armstrong Ave

N Hackberry

N Hackberry

Burnet St

Burnet St

Burnet St

Burnet St

146

156

HAYS

537

538

815

BURNETT

145

147

N. CHERRY

N. MESQUITE

N. HACKBERRY

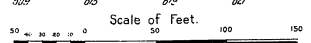
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NOLAN

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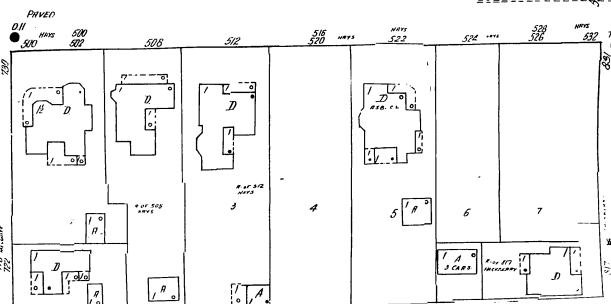
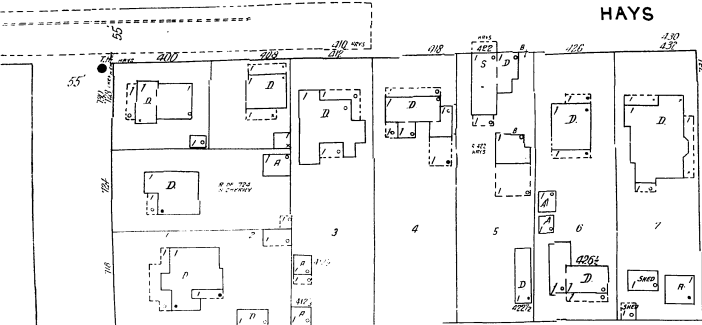
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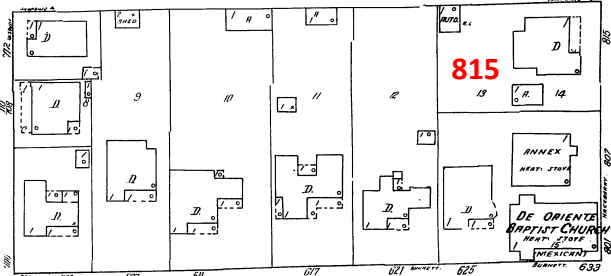
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HAYS



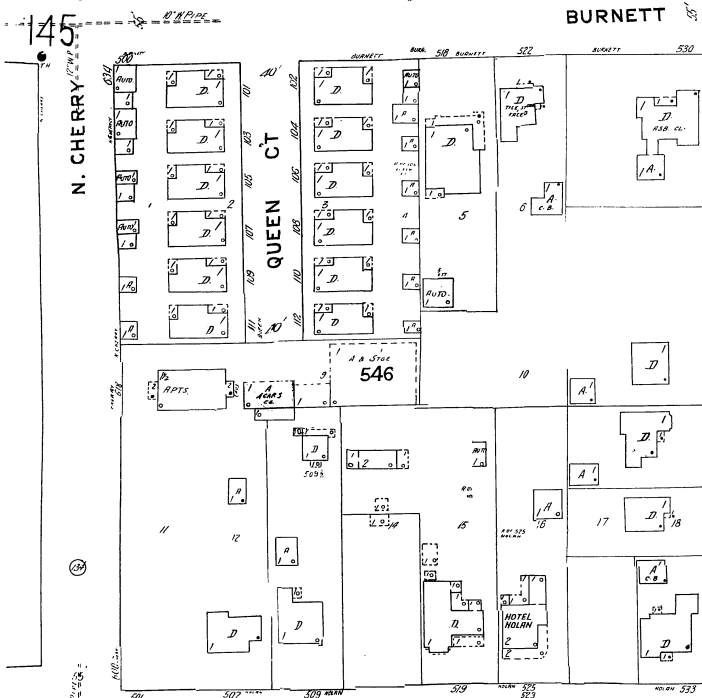
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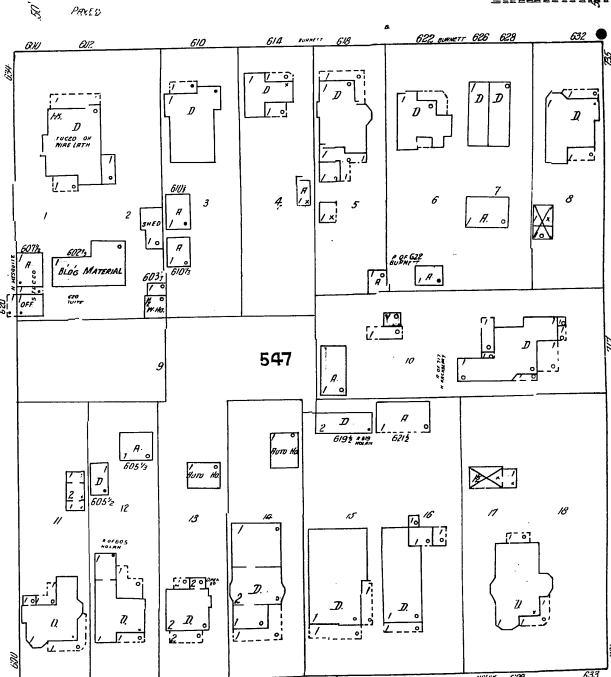
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ANNEX
DE ORIENTE
BAPTIST CHURCH
1880-1885
AMERICAN

BURNETT



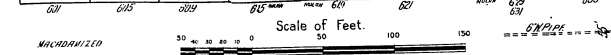
N. MESQUITE



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N. HACKBERRY

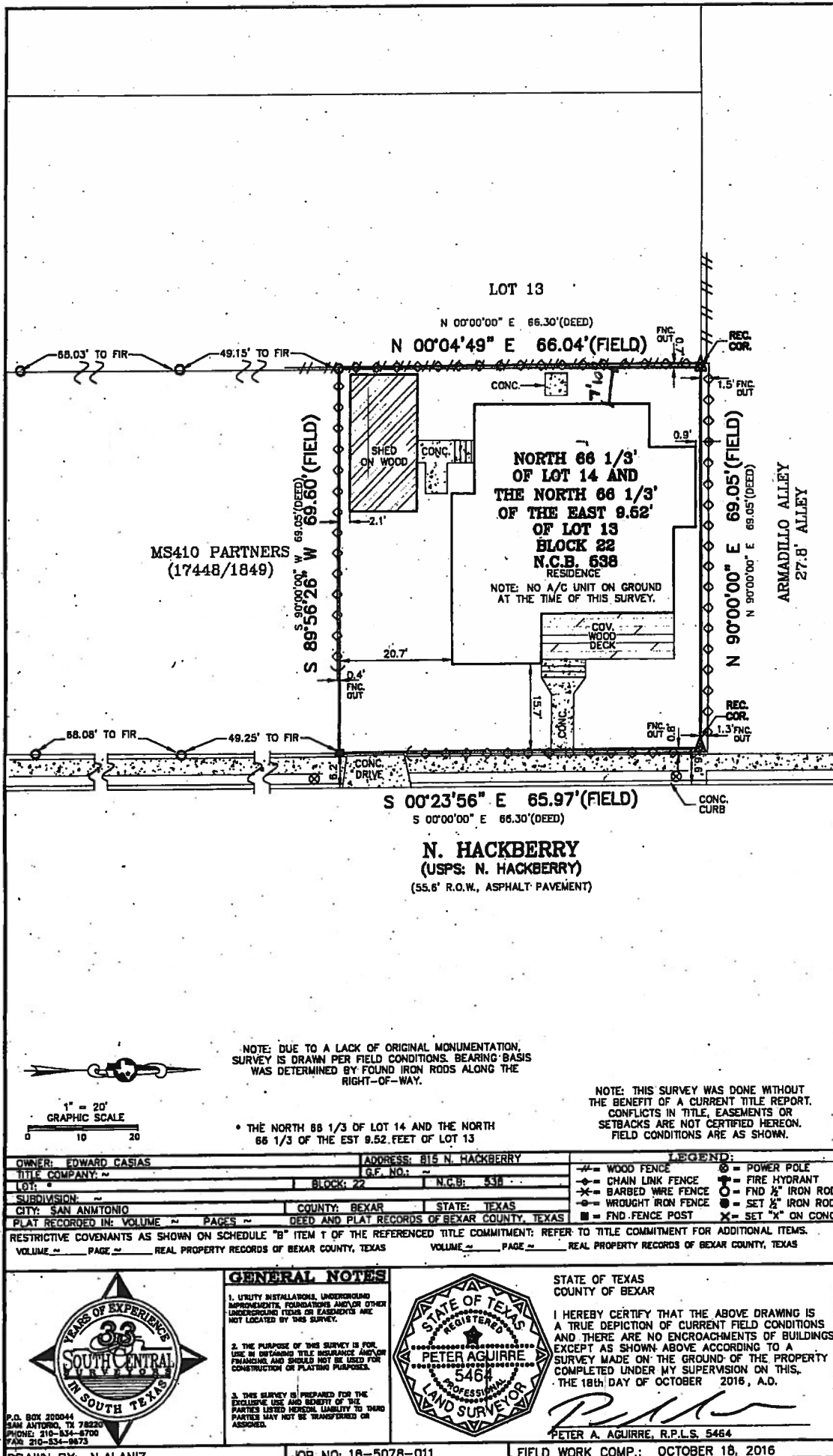
NOLAN



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Scale of Feet.



James V. Ryan, P.E.
Structural Engineering

May 1, 2018

Mr. Javier Morales

Re: 815 N Hackberry

Project No. 18-136

Dear Mr. Morales:

Pursuant to your request I have reviewed the rear garage at the above referenced address. The purpose of the inspection was to verify the structural adequacy of the building. The building is a one story wood framed garage. The condition of the garage is in very poor structural condition. The building was not properly constructed and the foundation appears inadequate.

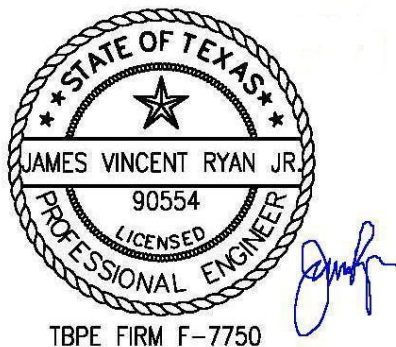
It is my opinion that it would cost more to salvage the existing building than to remove and replace with a new garage.

If you have any questions regarding this matter feel free to contact me

Sincerely,

5/1/18

James V. Ryan, P.E.



JSA Homes

San Antonio ,TX 78225
(210) 421-5664
(210) 639-7690
jsahomes@gmail .com

Homeowner: Eduardo Martinez
Address: 815 N. Hackberry
San Antonio, TX 78202

| | |
|--|-------------|
| <ul style="list-style-type: none">Demo and haul away materials from damaged garage | \$2,900.00 |
| <ul style="list-style-type: none">Restore garage to be structurally safe and match the OHP requirements. Install concrete pad. | \$18,500.00 |
| These are 2 separate quotes. The first is to demo and remove. The second is to restore structure. | |
| | |

Homeowner(s)

Builder

Date

Date











