

HISTORIC AND DESIGN REVIEW COMMISSION

June 06, 2018

HDRC CASE NO: 2018-270
ADDRESS: 802 N PINE ST
LEGAL DESCRIPTION: NCB 1656 BLK D LOT W 152.4 FT OF S 23.87 OF 7 & W 152.4 FT OF 8
ZONING: R-5 H
CITY COUNCIL DIST.: 2
DISTRICT: Dignowity Hill Historic District
APPLICANT: Office of Historic Preservation
OWNER: Charles Hawkins
TYPE OF WORK: Recommendation to the Building Standards Board (BSB)
APPLICATION RECEIVED: May 29, 2018
60-DAY REVIEW:
REQUEST:

The applicant is requesting a recommendation to the Building Standards Board (BSB) for the repair of the rear accessory structure at 801 Lamar.

The City's Code Enforcement Division has determined that the rear accessory structure at this address has deteriorated beyond repair and is recommending demolition of the structure per Chapter 6-156, subsections 1, 2, 12, 15, 17 and 18.

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.

Sec. 35-615. - Prevention of Demolition by Neglect.

(a)Applicability. In keeping with the city's minimum housing standards, the owner, or other person having legal custody and control of a designated historic landmark or structure in a local historic district shall preserve the historic landmark or structure against decay and deterioration and shall keep it free from any of the following defects:

- (1)Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
- (2)Deteriorated or inadequate foundation;
- (3)Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed safely;
- (4)Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed safely;
- (5)Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed safely;
- (6)Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed safely;
- (7)Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
- (8)Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or

(9)Any fault, defect, or condition in the structure which renders it Structurally unsafe or not properly watertight.

(b)Compliance. The owner or other person having legal custody and control of a designated historic landmark or structure in a local historic district shall, in keeping with the city's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in subsection (a) of this section. In addition, the owner or other person having legal custody and control of a historic landmark or a building, object, site, or structure located in a historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the city's minimum housing codes and ordinances.

(c)Enforcement.

(1)The historic preservation officer and the historic and design review commission are authorized to work with a property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.

(2)The historic and design review commission, on its own initiative, or the historic preservation officer may file a petition with code compliance requesting that the city proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by subsection (a) above so that such structure shall be preserved and protected in accordance with the purposes of this article and the public safety and housing ordinance.

(3)Penalties.

(i)A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City of San Antonio in an amount not to exceed one thousand dollars (\$1,000.00) per day for each violation or an amount not to exceed ten dollars (\$10.00) per day for each violation if the property is the owner's lawful homestead. The City of San Antonio may by order assess and recover any such civil penalties against a property owner at the time of an administrative hearing regarding the violations provided the property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements and, after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. The city clerk shall file with the district clerk of Bexar County a certified copy of any order issued under this subsection stating the amount and duration of the penalty. Any monies collected shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources.

(ii)A person who violates this article commits an offense. An offense under this article is a class C misdemeanor punishable as provided in the municipal ordinances of San Antonio.

(iii)An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of all applicable city codes.

(iv)If any building, object, site or structure covered by this subdivision shall have to be demolished as a public safety hazard and the owner thereof shall have received two (2) or more notices from the director of code compliance of building neglect in violation of this and other city ordinances, no application for a permit for a project on the property may be considered for a period of five (5) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by a city office during this period, nor shall a parking lot for vehicles be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition.

FINDINGS:

- a. The rear accessory structure at 802 N Pine was constructed circa 1925 and is first found on the 1911-1951 Sanborn Map. The Dignowity Hill Historic District features many properties with similar rear accessory structures. Many of these accessory structures feature significant architectural features that are contributing to the district. The location, materials and construction style are original to the site.
- b. Office of Historic Preservation Staff found the structure to be contributing through a Review of Contributing Status on July 10, 2017. The Guidelines for Exterior Maintenance and Alterations 9.A. notes that existing accessory structures should be preserved where they remain. Additionally, accessory structures should be repaired in kind. When new materials are needed, they should match the existing materials in color, durability and texture.

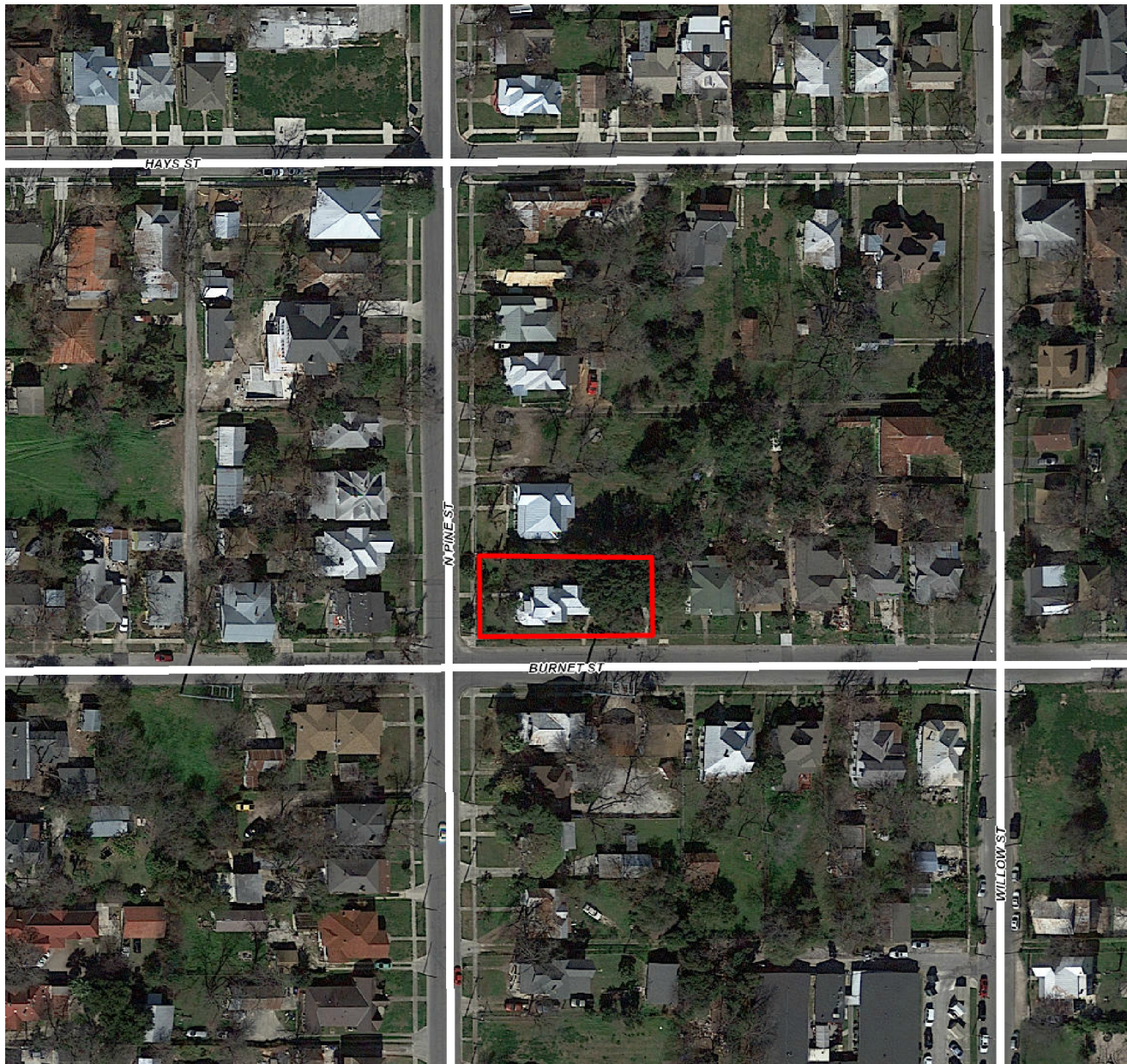
RECOMMENDATION:

Staff recommends repair of the existing, contributing historic structure based on findings a and b. The repair of this

accessory structure is eligible for administrative approval.

CASE MANAGER:

Stephanie Phillips



Flex Viewer

Powered by ArcGIS Server

Printed: May 22, 2018

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158

HAYS



1656

1657

802

BURNETT

147

N. PINE

WILLOW

135

MUNCEY

1659

1660

NOLAN

134

135

Scale of Feet.





802 Pine Street N. Z94 Complaint#22980226

Maria L. .Mora #617



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