

## HISTORIC AND DESIGN REVIEW COMMISSION

February 20, 2019

**HDRC CASE NO:** 2019-050  
**ADDRESS:** 315 DEVINE ST  
**LEGAL DESCRIPTION:** NCB 725 BLK 7 LOT 9  
**ZONING:** R-6, H  
**CITY COUNCIL DIST.:** 1  
**DISTRICT:** Lavaca Historic District  
**APPLICANT:** Rodrigo Lillo/Lillo Investment Inc  
**OWNER:** Lillo Investment Inc  
**TYPE OF WORK:** Demo and Porch Repair  
**APPLICATION RECEIVED:** January 24, 2019  
**60-DAY REVIEW:** March 24, 2019  
**REQUEST:**

The applicant is requesting a Certificate of Appropriateness at 315 Devine to:

1. Demolish a rear accessory structure.
2. Reconstruct the front porch.
3. Replace the front door to include side lites.

### APPLICABLE CITATIONS:

#### 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)

## 2. Guidelines for Exterior Maintenance and Alterations

## 6. Architectural Features: Doors, Windows, and Screens

### A. MAINTENANCE (PRESERVATION)

i. *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.

ii. *Doors*—Preserve historic doors including hardware, fanlights, sidelights, pilasters, and entablatures.

### B. ALTERATIONS (REHABILITATION, RESTORATION, AND RECONSTRUCTION)

i. *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.

## 7. Architectural Features: Porches, Balconies, and Porte-Cocheres

### B. ALTERATIONS (REHABILITATION, RESTORATION, AND RECONSTRUCTION)

i. *Front porches*—Refrain from enclosing front porches. Approved screen panels should be simple in design as to not change the character of the structure or the historic fabric.

ii. *Side and rear porches*—Refrain from enclosing side and rear porches, particularly when connected to the main porch or balcony. Original architectural details should not be obscured by any screening or enclosure materials. Alterations to side and rear porches should result in a space that functions, and is visually interpreted as, a porch.

iii. *Replacement*—Replace in-kind porches, balconies, porte-cocheres, and related elements, such as ceilings, floors, and columns, when such features are deteriorated beyond repair. When in-kind replacement is not feasible, the design should be compatible in scale, massing, and detail while materials should match in color, texture, dimensions, and finish.

iv. *Adding elements*—Design replacement elements, such as stairs, to be simple so as to not distract from the historic character of the building. Do not add new elements and details that create a false historic appearance.

v. *Reconstruction*—Reconstruct porches, balconies, and porte-cocheres 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 building and historic patterns.

## **FINDINGS:**

- a. The primary historic structure at 315 Devine was constructed circa 1925 in the Craftsman style and first appears on the 1951 Sanborn map. The one-story, single-family structure features a concrete porch with brick bases and tapered wood columns.
- b. VIOLATION – On site visit on January 7, 2019, staff found that a rear accessory structure was demolished prior to approval. The applicant submitted an application for review, including front porch modifications, on January 24, 2019, to be heard at the next HDRC hearing. This is the applicant’s second documented instance of work performed prior approval or beyond the scope of approval. The post-work application fee has not been paid at this time.
- c. REAR ACCESSORY STRUCTURE – The applicant is requesting to demolish a rear accessory structure. The applicant could not provide photos of the structure before it was demolished but references a neighboring property’s accessory structure as matching to the one at 315 Devine, in the same configuration but in a more deteriorated condition.
- a. CONTRIBUTING STATUS – The referenced accessory structure features vertical wood siding, a lack of a foundation, and a sheet metal roof. While the applicant has stated that the structure was rapidly deteriorating, staff finds the structure is still contributing to the district based on photos provided by the applicant of the referenced structure and the 1951 Sanborn map.
- b. 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 its substantial lean. The applicant indicated that he attempted to collect reasonable costs for repair and restoration. The applicant has also provided staff with an engineer’s letter noting the structural deterioration of the structure. Staff finds that evidence for UDC Section 35-614(b) has been met based on the documentation provided.



- d. **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. If the referenced structure accurately matches the demolished structure, staff finds that the owner has not provided sufficient evidence to support loss of significance.
- e. **PORCH** – The applicant is requesting to the modify the existing, concrete porch with brick bases and wood tapered columns to feature a wood deck, square wood bases, and reusing the existing tapered columns. Per the Guidelines 7.B.v, porches should be reconstructed based on accurate evidence of the original, such as photographs or based on the architectural style of the building or historic patterns. Staff finds that concrete porch and brick bases are not original to the structure. Staff finds the request to restore to a Craftsman style porch with wood construction appropriate.
- f. **DOOR** – The applicant is requesting to replace the existing front door with a new Craftsman style door with side lites. Per the Guidelines for Exterior Maintenance and Alterations 6.A.i, new or enlarging existing door openings should be avoided unless there is evidence that an original transom and side lites have been removed. Staff finds that the existing door is not original to the structures and is appropriate to replace with as Craftsman style door. Staff also finds that side lites are found on Craftsman style structures in the historic district, including the neighboring structure, which features similar front façade elements.

**RECOMMENDATION:**

Staff does not recommend approval of demolition of the rear accessory structure based on findings b through d.

Staff recommends approval of front porch reconstruction and door replacement based on findings e and f with the following stipulations:

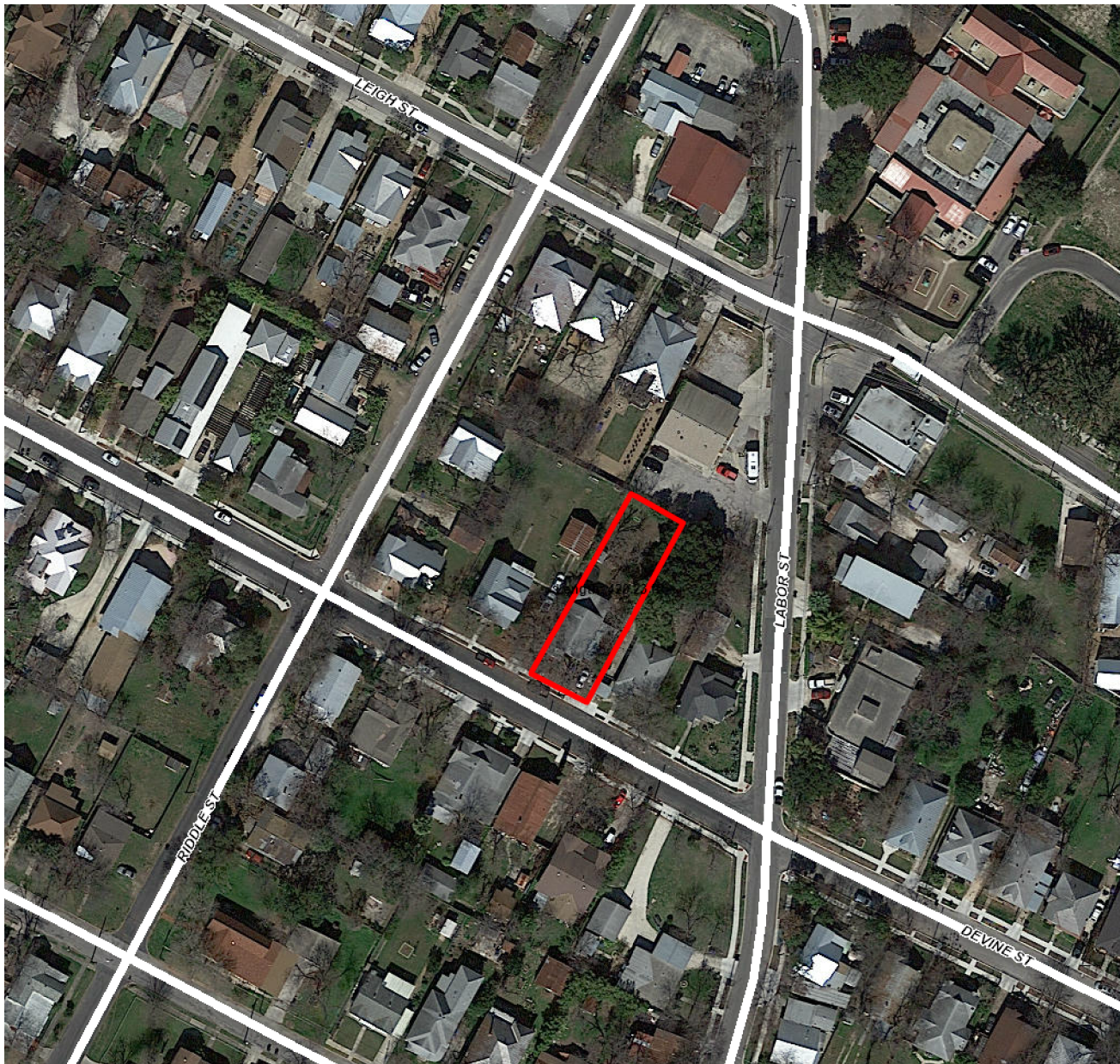
- i. The front porch should feature tongue-and-groove wood decking to be installed perpendicular to the front façade of the house, approximately 3 inches wide and 1 inch tall.

**CASE COMMENT:**

**VIOLATION** – On site visit on January 7, 2019, staff found that a rear accessory structure was demolished prior to approval. The applicant has been cooperative towards compliance and submitted an application for review, including front porch modifications, on January 24, 2019 to be heard at the next HDRC hearing.

**CASE MANAGER:**

Huy Pham



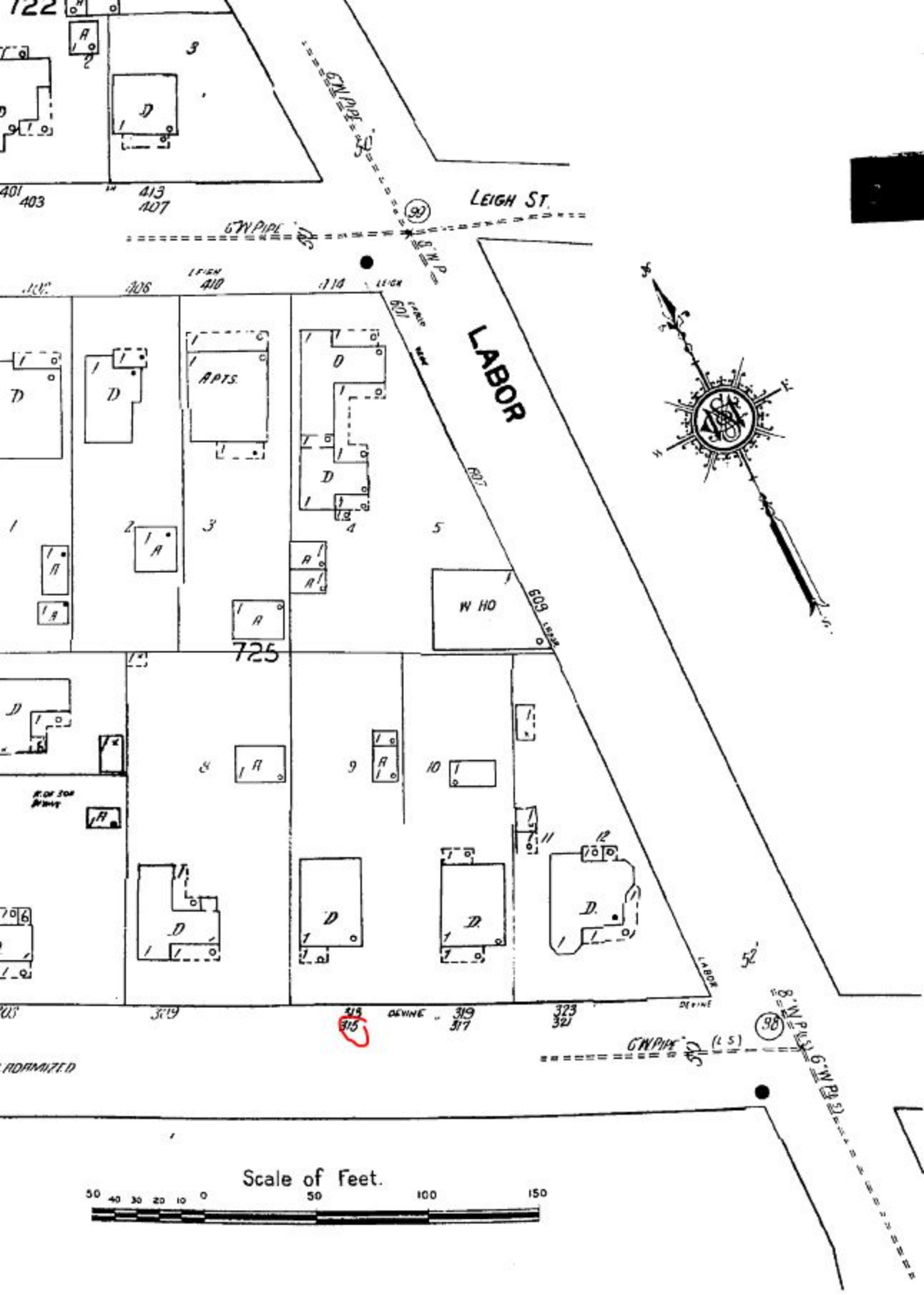
315 Devine

Powered by ArcGIS Server

Printed: Feb 12, 2019

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# **GROSE ENGINEERING**

Registered Professional Engineer (P.E. Lic. #70882, Firm Lic. #2588)

13262 Hunters Lark, San Antonio, Texas 78230

(210) 275-5237 E-mail: groseengineering@gmail.com

## **CONSULTING AND INSPECTION SERVICES**

January 24, 2019

### **RE: Inspection / Evaluation of exterior storage garage/storage shed**

315 Devine Street, San Antonio, Texas 78210

Date of Inspection: December 18, 2018

### **BACKGROUND**

This report concerns the condition and justification for removal of the former garage/storage shed in the back yard behind the existing house. Upon structural evaluation of the residential building on the lot, I recommended to the owner that the separate old garage/shed was a safety/health hazard and should be removed.

### **VISUAL INSPECTION**

The building was unpainted, wood frame sitting without a raised foundation directly on the ground. It was typical of the type of single garages that were used to shelter cars or equipment in the era it was built being 2x4 studs with vertical 1x6 or 8 in. wood plank siding. The building exhibited significant degradation in height from factors such as: water, termite, weather, age and weak original construction practices.

### **OPINION ON JUSTIFICATION FOR REMOVAL OF THE BUILDING:**

Structural performance considers the capability of the building to serve its intended purpose.

Elements of concern are: safety, function, durability, habitability/health and structural integrity.

Below are my opinions of these elements based on the known facts and observations at the time of inspection.

#### **Safety:**

- The former structure was not stable and in the process of slow collapse. It is likely that it would have degraded to the point of full collapse within a few years. There were significant and serious safety issues with leaving the building in place. Rotting wall wood studs were completely degraded approximately 2-3 feet from the original height leaving the siding alone holding up the building. This condition could have been a hazard to the activities involved in the house remodel.

#### **Function:**

- As existing, the building could not function for any basic usable purpose. It was unsafe to enter or to be used for storage of any items.

#### **Durability:**

- There would have been no durability of the building without complete dismantling and rebuilding. In my opinion, due to infestation of termites and significant wood rot, no partial materials could have been salvaged for re-use or re-purpose.

#### **Habitability/Health:**

- As described above, the building would not have been usable due to the degraded condition and was not a habitable structure at any time. Due to the degraded and rotting

A photograph of a small, weathered wooden shed with a gabled roof. The shed is constructed of vertical wooden planks. The door, which features a lattice pattern, is leaning against the left side of the structure. The interior of the shed is dark and cluttered with various items, including a white plastic chair and a bag. The shed is situated on a gravel surface, and a large tree is visible in the background.

**NEIGHBOR'S  
STRUCTURE SIMILAR  
TO DEMOLISHED  
STRUCTURE**



**NEIGHBOR'S STRUCTURE  
SIMILAR TO DEMOLISHED  
STRUCTURE**







NEIGHBOR'S  
STRUCTURE SIMILAR  
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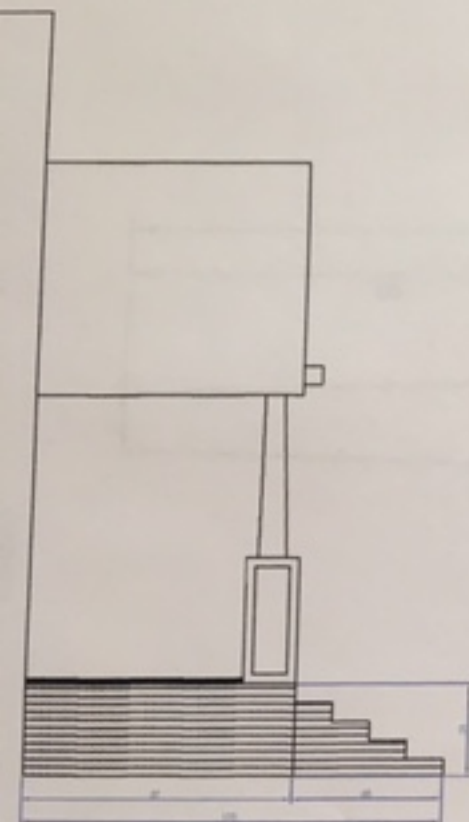
**NEIGHBOR'S STRUCTURE  
SIMILAR TO DEMOLISHED  
STRUCTURE**



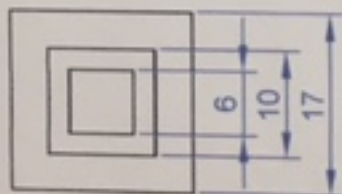
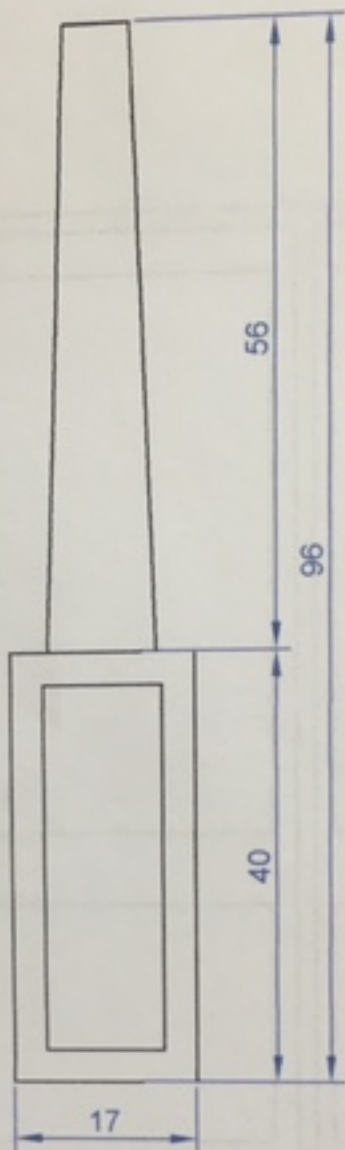


**AREA OF DEMOLISHED ACCESSORY STRUCTURE**

315 Devine/ 78210



Stairs: board 2"x 6" treated pine  
Porch: floor board 1" x 4" treated pine

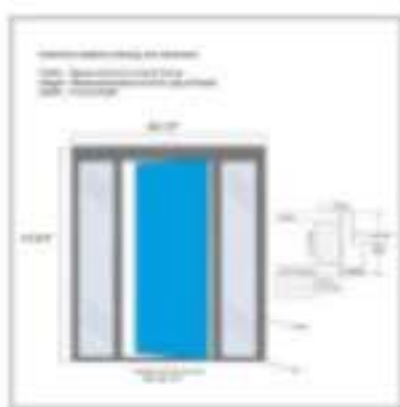
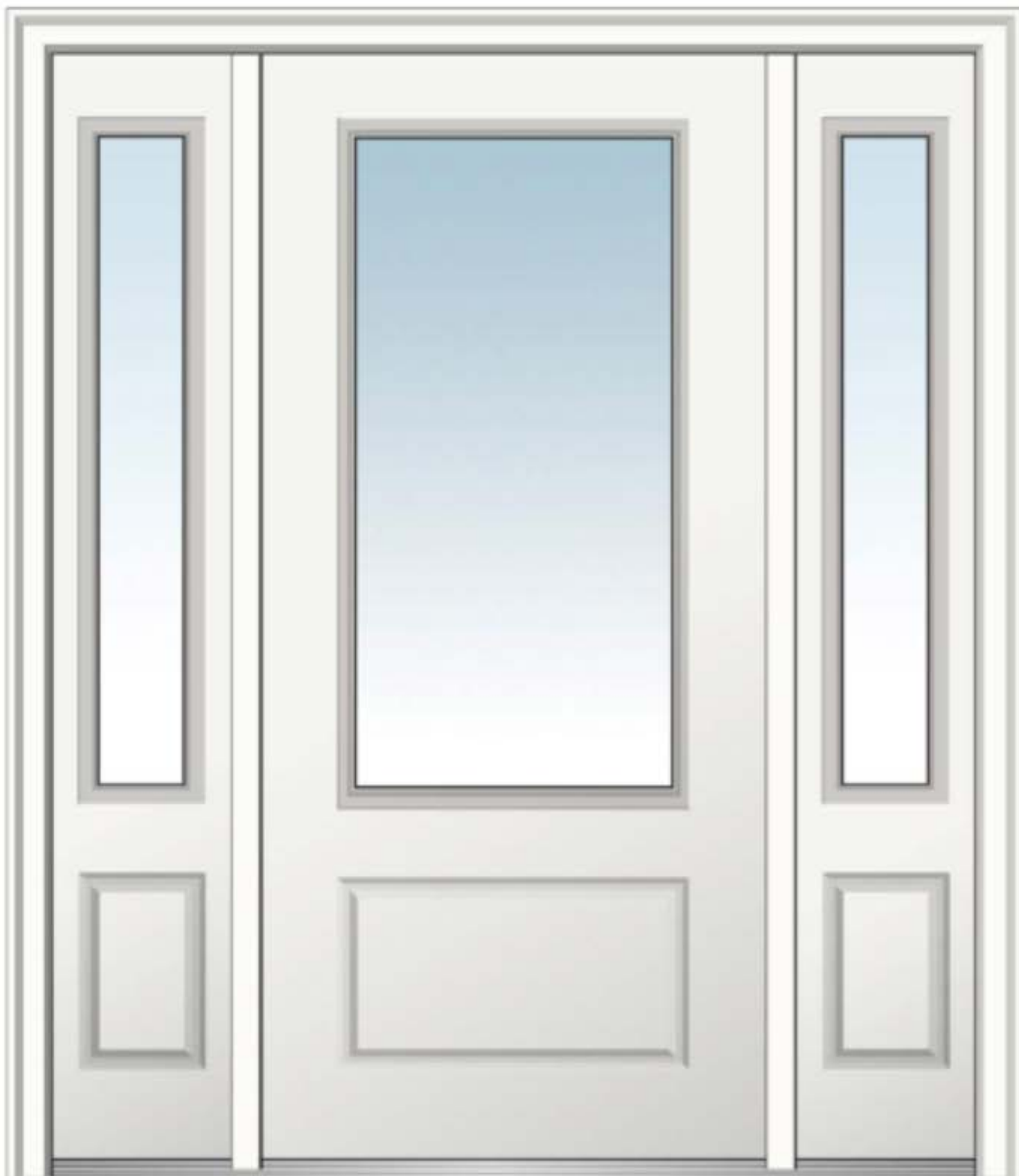


Entry door



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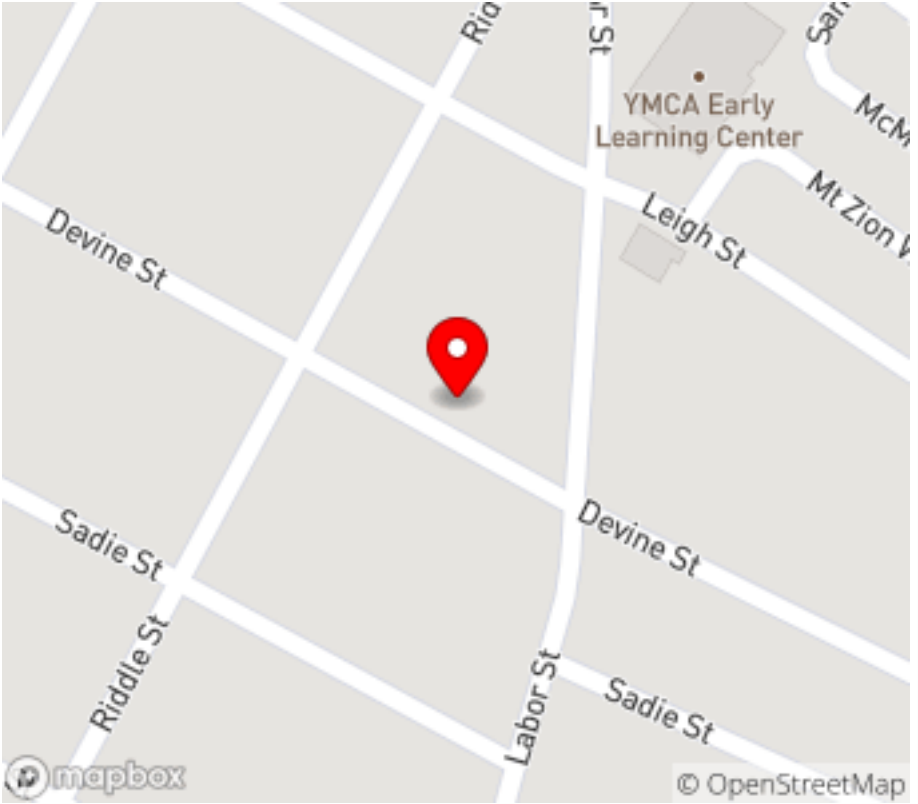






## Investigation Report

### Property

Address	315 Devine St
Owner Information	FLORES VELASQUEZ ELIZABETH ANN
Location Map	
Lat: 29.4108100118848 Long: -98.4843584597348	

### Site Visit

Date	01/07/2019
Time	04:28 PM (-6 GMT)
Context	citizen report
Present Staff	Huy Pham, Edward Hall
Present Individuals	None
Types of Work Observed	Exterior Maintenance and Alterations
Amount of Work Completed	75%
Description of work	Removal of asbestos siding and wood trim elements and potentially the demolition of a rear accessory structure.

### Action Taken









Violation Type	No Certificate of Appropriateness (Code 35-451a)
OHP Action	posted "Notice of Investigation", posted "Stop Work Notice"
Deadline to contact office	01/07/2019



Investigation Report

Will post-work application fee apply?	To be determined
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Documentation

Photographs	 <p>January 7, 2019 at 4:31 PM 309 Devine St San Antonio TX 78210 United States</p>	 <p>January 7, 2019 at 4:31 PM 309 Devine St San Antonio TX 78210 United States</p>
	 <p>January 7, 2019 at 4:32 PM 317 Devine St San Antonio TX 78210 United States</p>	 <p>January 7, 2019 at 4:33 PM 312 Devine St San Antonio TX 78210 United States</p>
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Investigation Report

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