

HISTORIC AND DESIGN REVIEW COMMISSION

June 19, 2019

HDRC CASE NO: 2019-280
ADDRESS: 436 DEVINE ST
LEGAL DESCRIPTION: NCB 2958 BLK 2 LOT 44
ZONING: RM-4,H
CITY COUNCIL DIST.: 1
DISTRICT: Lavaca Historic District
APPLICANT: Janie Berrera
OWNER: Janie Berrera
TYPE OF WORK: Historic Tax Certification
APPLICATION RECEIVED: May 17, 2019
60-DAY REVIEW: July 16, 2019
CASE MANAGER: Adam Rajper
REQUEST:

The applicant is requesting Historic Tax Certification for the property at 436 Devine.

APPLICABLE CITATIONS:

UDC, Sec. 35-618. - Tax Exemption Qualifications.

- (a) Assessed Valuation. In accordance with the provisions of this article, a building, site, or structure which meets the definition of a historically significant site in need of tax relief to encourage preservation and which is substantially rehabilitated and/or restored as certified by the historic and design review commission and approved by the city tax assessor-collector, shall have an assessed value for ad valorem taxation as follows regardless of ownership during the granted time period:
 - (1) A residential property shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.
- (b) Applicability. This exemption shall begin on the first day of the first tax year after verification of completion of the preservation required for certification; provided the building shall comply with the applicable zoning regulations for its use and location.
- (c) Application. Application for a historic structure preservation tax exemption pursuant to this division is to be filed with the office of historic preservation. The historic preservation officer shall be the agent of the city for the purposes of administering this division provided that the historic preservation officer request a recommendation from the historic and design review commission. Each application shall be signed and sworn to by the owner of the property and shall:
 - (1) State the legal description of the property proposed for certification;
 - (2) Include an affidavit by the owner describing the historic significance of the structure in need of tax relief;
 - (3) Include a final complete set of plans for the historic structure's restoration or rehabilitation;
 - (4) Include a statement of costs for the restoration or rehabilitation work;
 - (5) Include a projection of the estimated construction, time and predicted completion date of the historic restoration or rehabilitation;
 - (6) Authorize the members of the historic and design review commission, the city tax assessor-collector and city officials to visit and inspect the property proposed for certification and the records and books of the owners as necessary to certify that the property in question is in substantial need of restoration or rehabilitation;
 - (7) Include a detailed statement of the proposed use for the property; and
 - (8) Provide any additional information to the historic and design review commission which the owner deems relevant or useful such as the history of the structure or access to the structure by the public.

Each application shall contain sufficient documentation confirming or supporting the information submitted therein.

- (d) Certification.
 - (1) Historic and Design Review Commission Certification. Upon receipt of the owner's sworn application the historic

and design review commission shall make an investigation of the property and shall certify the facts to the city tax assessor-collector within thirty (30) days along with the historic and design review commission's documentation for recommendation of either approval or disapproval of the application for exemption.

- (2) Tax Assessor-Collector Approval. Upon receipt of the certified application for tax exemption as well as the recommendation of the historic and design review commission, the city's tax assessor-collector shall within thirty (30) days approve or disapprove eligibility of the property for tax relief pursuant to this division. In determining eligibility, the tax assessor-collector shall first determine that all the requirements of this division have been complied with and that only the historic structure and the land reasonably necessary for access and use thereof is to be provided favorable tax relief.

- (e) Verification of Completion. Upon completion of the restoration and rehabilitation, together with a fee as specified in Appendix "C" of this chapter, the owner, who may not be the same as at the time of application, shall submit a sworn statement of completion acknowledging that the historically significant site in need of tax relief to encourage preservation has been substantially rehabilitated or restored as certified by the historic and design review commission. The historic and design review commission, upon receipt of the sworn statement of completion, but no later than thirty (30) days thereafter, shall make an investigation of the property and shall recommend either approval or disapproval of the fact that the property has been substantially completed as required for certification. If the historic and design review commission recommends that it has not been substantially completed as so required, then the certified applicant may be required by the historic preservation officer to complete the restoration or rehabilitation in order to secure the tax exemption provided herein. If the verification of completion is favorable, the historic and design review commission shall recommend approval and the historic preservation office may notify the tax assessor-collector in writing of compliance. Thereafter, the tax assessor-collector shall provide the property with the historic tax exemption.

- (f) Historic Preservation Tax Exemptions.

(1) Historic Preservation Tax Exemption for Residences in Need of Substantial Repair. In accordance with the provisions of this chapter, a historically significant residential building, which meets both the definitions of a historically significant site in need of tax relief to encourage preservation and of a residential property in Appendix "A" of this chapter, and is either individually designated or is located within the boundaries of a locally designated historic district which is substantially rehabilitated and is approved by the chief appraiser of the Bexar County Appraisal District, shall have an assessed value for ad valorem taxation as follows:

A. A residential property shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification, as defined in Appendix "A" to this chapter. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.

B. This exemption shall begin on the first day of the first tax year after verification of completion of the substantial rehabilitation by the historic and design review commission, provided compliance with subsection (b) of this section.

- (g) Eligibility.

(1) The tax exemption options outlined in subsection (f), above, will remain in effect unless terminated by designation status being removed pursuant to subsection 35-606(g) of this article.

FINDINGS:

- a. The applicant is requesting Historic Tax Certification at 436 Devine. The one-story, Folk Victorian style single-family residence was constructed c. 1910 and is contributing to the Lavaca Historic District.
- b. Approved exterior rehabilitative scopes of work include: in-kind roof replacement (2015); exterior maintenance and repairs, installation of an additional front porch column, front yard fence modifications, construction of a 1-story rear addition, fenestration modifications and window replacements, installation of new skirting, rear addition roof modifications, installation of a rear deck, installation of rear doors, and construction of a rear carport (2018); and installation of a rear privacy fence (2019).
- c. Upon further review, staff noted that several exterior modifications were recently carried out without a Certificate of Appropriateness, including: inappropriate front door replacement, inappropriate front walkway configuration modification, and inappropriate front yard landscaping modifications. On June 11, 2019, the applicant received a Certificate of Appropriateness to correct or reverse all of these modifications.
- d. The applicant has submitted an itemized list of costs that meets the threshold to be eligible for Historic Tax Certification.
- e. The requirements for Historic Tax Certification outlined in UDC Section 25-618 have been met and the applicant has provided evidence to that effect to the Historic Preservation Officer including photographs, an itemized list of costs, and a timeline of completion.
- f. Approval of Tax Verification by the HDRC in 2019 means that the property owners will be eligible for the Substantial

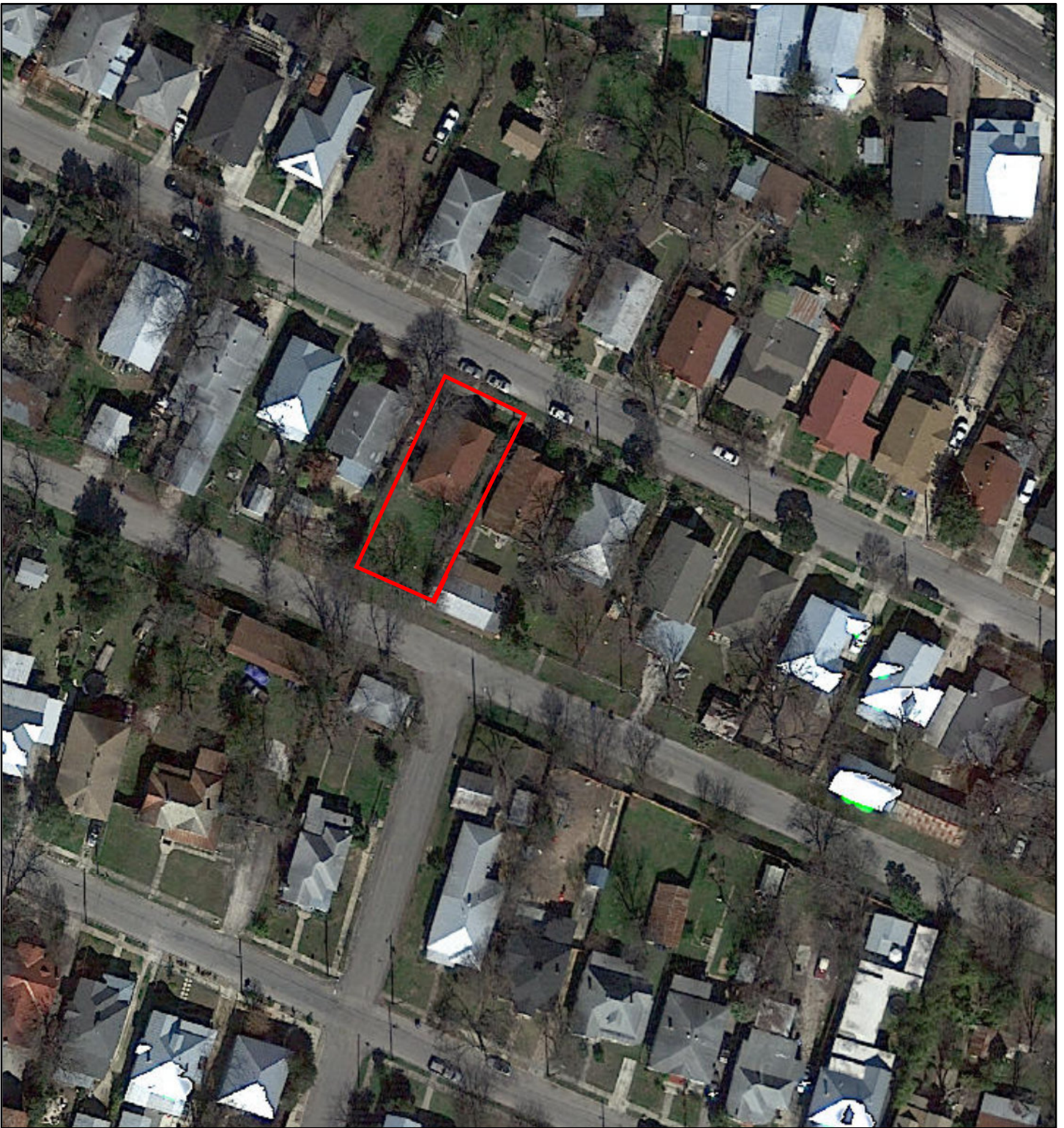
Rehabilitation Tax Incentive beginning in 2020.

RECOMMENDATION:

Staff recommends approval of Historic Tax Certification based on findings a through f with the following stipulation:

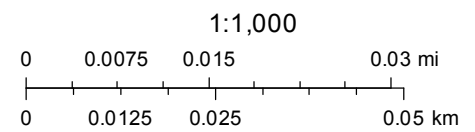
- i. That the applicant correct or reverse all inappropriate exterior and site modifications, as listed in finding c and per the Certificate of Appropriateness issued on June 11, 2019. Failure to do this will result in the applicant being ineligible for Historic Tax Certification and Historic Tax Verification.

436 Devine



June 11, 2019

— User drawn lines





436 Devine Street

Sadie St

Sadie St

Sadie St

Sadie St

Sadie St

Sadie St

Devine St

Devine St

Devine St

Devine St







Rear Alley

Back Yard

HOUSE

Porch

Privacy Fence w/gate

Concrete Pathway

Landscape bed w/curbing

Sidewalk

Concrete 1' x 1' pavers

Concrete 1'x 1' pavers
double row
with gravel

Existing
Pittosporum

Flower bed with knock out roses

Flower bed with knock out roses

Existing
Dwarf
crepe
myrtle

Crepe
Myrtle

bark
mulch

Silver Falls Dichondra
ground cover

Existing
tree

liriope
Existing
tree
liriope

Rosemary

Silver Falls Dichondra ground cover



Grass



Grass



Devine Street

Front yard - west side



Pittosporum

dwarf crepe myrtle

circular landscape bed - Crepe myrtle planted in center - the remainder of the bed will be bark mulch and seasonal planting

ground cover (Silver Falls Dichondra) entire yard except for landscape bed in center of yard in circle

Front yard - east side



Front yard - west side - flower bed in front of home



Knock out roses planted in flower bed and fully covered with bark mulch

paver and gravel pathway to remain as shown

Front yard - east side - flower bed in front of home



knock out roses with bark mulch in flower bed

Front yard - west side - depicts portion of concrete sidewalk to be removed



area circled shows portion of concrete sidewalk
which will be removed

Front yard - west side - landscaped area between street and sidewalk



large existing crepe myrtle tree

gravel to be removed, concrete pavers to remain -
Owner will seed ground for grass where gravel is
removed

Front yard - east side - area between street and sidewalk



crepe myrtle tree

gravel to be removed, concrete pavers to remain -
Owner will seed ground for grass where gravel is
removed

436 Devine 78210

Work began February 2018 receipts are available

Expenses to date: May 13, 2019

Architect and Engineer	\$ 3,871.18
Labor Bill Massey	\$ 61,000.00
Labor Mychal and Eliseo	\$ 25,804.54
Labor Mamuth	\$ 47,780.00
Plumber	\$ 14,584.69
Air Conditioner	\$ 1,600.00
Electrician	\$ 2,975.35

Major materials: lumber, wooden windows and doors
tile, outdoor columns, cement work

Roofing, Outside prep painting, granite, appliances \$ 41,130.72

Materials MG, Lowes, HomeDepot

tree trimming, dumpster, landscaping \$ 53,641.24

City permits \$ 915.33

Expenses for completion:

mamuth	\$ 8,200.00	
elec	\$ 1,500.00	
plumb	\$ 700.00	
cement	\$ 2,000.00	
AC	\$ 2,000.00	
granite install	\$ 2,500.00	
Total		\$ 16,900.00

Renovation total \$ 270,203.05

Property purchase \$ 200,000.00

Completion date June 30, 2019

2018 Notice of Appraised Value

Do Not Pay From
This Notice

BEXAR APPRAISAL DISTRICT
411 N. FRIO, P.O. BOX 830248
SAN ANTONIO, TX 78283-0248
Phone: (210) 224-2432 Fax: (210) 242-2453

Account#: 138222
Ownership %: 100.00
Geo ID: 02958-002-0440
Legal: NCB 2958 BLK 2 LOT 44
Legal Acres: 0
Situs: 436 DEVINE ST SAN ANTONIO, TX 78210
Owner ID: 2574207

DATE OF NOTICE: April 2, 2018

#BWNCTVY
#N113822208#
17298 1 AV 0.378*****AUTO**5-DIGIT 78204 5DGS 2 FT 61
Property ID: 138222 - 02958-002-0440
BARRERA JANIE
228 WASHINGTON
SAN ANTONIO TX 78204-1335

*** THIS IS NOT A BILL ***

Dear Property Owner,

We have appraised the property listed above for the tax year 2018. As of January 1, our appraisal is outlined below.

Appraisal Information				Last Year - 2017			Proposed - 2018	
Improvements (Structures / Buildings, etc.) Market Value				77,230			81,590	
Market Value of Non Ag/Timber Land				111,050			111,050	
Market Value of Ag/Timber Land				0			0	
Market Value of Personal Property/Minerals				0			0	
Total Market Value				188,280			192,640	
Productivity Value of Ag/Timber Land				0			0	
Appraised Value				188,280			192,640	
Homestead Cap Value excluding Non-Homesite Value (i.e. Ag, Commercial)				188,280			192,640	
Exemptions (DV - Disabled Vet; DP-Disabled Person; HS-Homestead; OV65-Over 65)								
2017 Exemption Amount	2017 Taxable Value	Taxing Unit	2018 Proposed Assessed Value	2018 Exemption Amount	2018 Taxable Value	2017 Tax Rate	2018 Estimated Taxes	FreezeYear and Tax Ceiling
0	188,280	BEXAR CO RD & FLOOD	192,640	0	192,640	0.012868	24.79	
0	188,280	SA RIVER AUTH	192,640	0	192,640	0.017290	33.31	
0	188,280	ALAMO COM COLLEGE	192,640	0	192,640	0.149150	287.32	
0	188,280	UNIV HEALTH SYSTEM	192,640	0	192,640	0.276235	532.14	
0	188,280	BEXAR COUNTY	192,640	0	192,640	0.291229	561.02	
0	188,280	CITY OF SAN ANTONIO	192,640	0	192,640	0.558270	1,075.45	
0	188,280	SAN ANTONIO ISD	192,640	0	192,640	1.532600	2,952.40	

DO NOT PAY FROM THIS NOTICE TOTAL ESTIMATED TAX: \$5,466.43

The difference between the 2013 appraised value and the 2018 appraised value is 70.92%. This percentage information is required by Tax Code section 25.19(b-1).

The governing body of each unit decides whether or not property taxes will increase. The appraisal district only determines the value of your property. **"The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials."**

If you qualified your home for a 65 and older or disabled person exemption for school taxes, the school taxes on that home cannot increase as long as you own and live in that home. The tax ceiling is the amount that you pay in the year that you qualified for the 65 and older or disabled person exemption. The school taxes on your home may not go above the amount of the ceiling, unless you improve the home (other than normal repairs and maintenance). This situation may also apply to your county, junior college district, and some cities.

Enclosed are copies of the following documents published by the Texas Comptroller of Public Accounts: (1) Property Taxpayer Remedies; and (2) notice of protest.

Deadline for filing a protest: May 15, 2018
Location of Hearings: 411 N FRIO ST
ARB will begin hearings: May 29, 2018

THIS IS NOT A BILL

To file a protest, complete the "Notice of Protest" form on the back of this notice by following the instructions included in the form. Mail or deliver the form to the appraisal review board at the following address no later than the deadline stated above:

Bexar Appraisal Review Board
PO Box 830248
San Antonio, TX 78283-0248.

If you have any questions or need more information, please contact the appraisal district office at (210) 224-2432 or at the address shown above.

Sincerely,

Michael Amezcua
Chief Appraiser





