

HISTORIC AND DESIGN REVIEW COMMISSION

October 02, 2019

HDRC CASE NO: 2019-567
ADDRESS: 301 W MAGNOLIA AVE
LEGAL DESCRIPTION: NCB 2952 BLK 1 LOT 19, 20, 21, 22, & E 38 FT OF 18
ZONING: MF-33
CITY COUNCIL DIST.: 1
DISTRICT: Monte Vista Historic District
APPLICANT: Office of Historic Preservation
OWNER: Magnolia Vertical LTD
TYPE OF WORK: Recommendation to the Building Standards Board
APPLICATION RECEIVED: September 20, 2019
60-DAY REVIEW: November 19, 2019
CASE MANAGER: Katie Totman

REQUEST:

The Office of Historic Preservation is requesting a recommendation to the Building Standards Board (BSB) for the repair of building 1 located at 301 W Magnolia.

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.

Historic Design Guidelines, Chapter 2, Exterior Maintenance and Alterations

1. Materials: Woodwork

A. MAINTENANCE (PRESERVATION)

i. *Inspections*—Conduct semi-annual inspections of all exterior wood elements to verify condition and determine maintenance needs.

ii. *Cleaning*—Clean exterior surfaces annually with mild household cleaners and water. Avoid using high pressure power washing and any abrasive cleaning or stripping methods that can damage the historic wood siding and detailing.

iii. *Paint preparation*—Remove peeling, flaking, or failing paint surfaces from historic woodwork using the gentlest means possible to protect the integrity of the historic wood surface. Acceptable methods for paint removal include scraping and sanding, thermal removal, and when necessary, mild chemical strippers. Sand blasting and water blasting should never be used to remove paint from any surface. Sand only to the next sound level of paint, not all the way to the wood, and address any moisture and deterioration issues before repainting.

iv. *Repainting*—Paint once the surface is clean and dry using a paint type that will adhere to the surface properly. See General Paint Type Recommendations in Preservation Brief #10 listed under Additional Resources for more information.

v. *Repair*—Repair deteriorated areas or refasten loose elements with an exterior wood filler, epoxy, or glue.

B. ALTERATIONS (REHABILITATION, RESTORATION, AND RECONSTRUCTION)

- i. *Façade materials*—Avoid removing materials that are in good condition or that can be repaired in place. Consider exposing original wood siding if it is currently covered with vinyl or aluminum siding, stucco, or other materials that have not achieved historic significance.
- ii. *Materials*—Use in-kind materials when possible or materials similar in size, scale, and character when exterior woodwork is beyond repair. Ensure replacement siding is installed to match the original pattern, including exposures. Do not introduce modern materials that can accelerate and hide deterioration of historic materials. Hardiboard and other cementitious materials are not recommended.
- iii. *Replacement elements*—Replace wood elements in-kind as a replacement for existing wood siding, matching in profile, dimensions, material, and finish, when beyond repair.

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.
- iii. *Windows*—Preserve historic windows. When glass is broken, the color and clarity of replacement glass should match the original historic glass.
- iv. *Screens and shutters*—Preserve historic window screens and shutters.
- v. *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)

- 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.
- ii. *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.
- iii. *Glazed area*—Avoid installing interior floors or suspended ceilings that block the glazed area of historic windows.
- iv. *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.
- v. *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.
- vi. *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.
- vii. *Non-historic windows*—Replace non-historic incompatible windows with windows that are typical of the architectural style of the building.
- viii. *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.

FINDINGS:

- a. The primary structure located at 301 W Magnolia is a contributing property within the Monte Vista Historic District. It is a 2-story residential structure constructed ca. 1905 and features elements of Greek Revival architecture such as an entry porch with a triangular pediment and symmetrical front gables. The home features

wood-lap and wood shingle siding, a cross gabled roof with two dormers, decorative wood scalloped siding in the gables, one over one double hung and casement wood windows, and an inset front porch.

- b. The City's Code Enforcement Division has inspected the property and determined it to be eligible for repair. The Historic Design Guidelines for Exterior Maintenance and Alterations note that historic exterior elements should be preserved where they remain or replaced or reconstructed in-kind. When new materials are needed, they should match the existing materials in color, configuration, durability, and texture. The repair and replacement of wood siding, wood trim, wooden porch elements, and roofing elements is eligible for administrative approval. The repair and reconstruction of original wood windows is also eligible for administrative approval.

RECOMMENDATION:

Staff recommends repair of the existing historic structure based on findings a and b. The Certificate of Appropriateness for repair of this structure is eligible for administrative approval.

301 W Magnolia





301 W Magnolia Ave #23234628





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Development Services Department - Building Standards Board

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Building Standards Board - Structural Condition

Select Date: 9/19/2019 10:21:51 AM Type: Commercial - Main Structure

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 Structural Type: ☐ Residential ☒ Commercial

 Occupied: ☐ Yes ☒ No ☒ Main Structure ☐ Accessory

Zoning: MF33

Check all that apply:

Roof:

Type: Gable

Covering:

Asphalt shingle

- | | | |
|---|--|---|
| <input type="checkbox"/> Roof sagging | <input type="checkbox"/> Roof structure dilapidated | <input checked="" type="checkbox"/> Roof Sheathing rotted/damaged |
| <input checked="" type="checkbox"/> Roof holes/ collapsed | <input type="checkbox"/> Missing flashing | <input type="checkbox"/> Overhang deteriorated/rotted |
| <input type="checkbox"/> Ridge-board missing/damaged | <input type="checkbox"/> Roof covering missing/damaged | <input type="checkbox"/> Roof trusses rotted/damaged |
| <input type="checkbox"/> Rafters rotted/damaged | <input type="checkbox"/> Missing purlins/brace/collar ties | <input type="checkbox"/> Unable to access |
| <input type="checkbox"/> Ceiling joist rotted/damaged | <input type="checkbox"/> Engineers letter required | <input type="checkbox"/> Fire Damage |

Frame:

Woodframe

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Exterior Inspection | <input checked="" type="checkbox"/> Interior Inspection | <input checked="" type="checkbox"/> Floors |
| <input checked="" type="checkbox"/> Fire damage walls | <input type="checkbox"/> Ceiling not at required height | <input type="checkbox"/> Floor trusses rotted/damaged |
| <input type="checkbox"/> Siding damaged/deteriorated | <input type="checkbox"/> Ceiling severely deflected | <input checked="" type="checkbox"/> Floor has holes |
| <input checked="" type="checkbox"/> Windows damaged/broken | <input checked="" type="checkbox"/> Sheetrock damaged/missing | <input type="checkbox"/> Floor joists rotten/damaged |
| <input type="checkbox"/> Brick veneer damaged | <input type="checkbox"/> Studs rotted/leaning | <input checked="" type="checkbox"/> Floor covering damaged |
| <input type="checkbox"/> Stucco veneer damaged | <input type="checkbox"/> Headers missing | <input type="checkbox"/> Floors uneven/unsafe |
| <input type="checkbox"/> Chimney/Towers damaged/listing | <input type="checkbox"/> Missing double top plate | <input type="checkbox"/> Inadequate means of Egress |
| <input type="checkbox"/> Structure is listing | <input type="checkbox"/> Bottom plated rotted/damaged | <input checked="" type="checkbox"/> Fire Damage-Floors |
| <input type="checkbox"/> Lack of Weather Protection | <input checked="" type="checkbox"/> Interior walls vandalized | |

Foundation:

Post and beam

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Post and Beam | <input type="checkbox"/> Slab on Grade | <input type="checkbox"/> Engineers letter required |
| <input type="checkbox"/> Posts leaning | <input type="checkbox"/> Sill beams rotted/damaged | <input type="checkbox"/> Floor joists rotten/damaged |
| <input type="checkbox"/> Posts rotted/cracked | <input type="checkbox"/> Sill beams on grade | <input type="checkbox"/> Floor joist not bearing correctly |
| <input type="checkbox"/> Needs leveling | <input type="checkbox"/> Sill not bearing on support | <input type="checkbox"/> Unable to inspect |
| <input type="checkbox"/> Needs extensive repairs | <input type="checkbox"/> Slab on grade-cracks | <input type="checkbox"/> Fire Damage |
| <input type="checkbox"/> No foundation | | |

Miscellaneous:

- | | | |
|---|--|---|
| <input type="checkbox"/> Front/rear porch damaged | <input type="checkbox"/> Front/rear rotted/damaged/detaching | <input type="checkbox"/> Missing/damaged handrails |
| <input type="checkbox"/> Door rotted/damaged | <input type="checkbox"/> Missing smoke detectors | <input type="checkbox"/> Missing/damaged guardrails |
| <input type="checkbox"/> Electrical system hazards | <input type="checkbox"/> Exposed wires | <input type="checkbox"/> Unsafe equipment |
| <input type="checkbox"/> Illegal installation-Electrical/Plumbing | <input type="checkbox"/> Broken devices/fixtures | <input type="checkbox"/> No electrical services |
| <input type="checkbox"/> Plumbing system hazards | <input type="checkbox"/> Insufficient receptacles/lighting outlets | <input type="checkbox"/> Unlawful structure |
| <input type="checkbox"/> Water leaks | <input type="checkbox"/> Deteriorated/damaged pipes | <input type="checkbox"/> No water service |
| <input type="checkbox"/> Water meter tampered | <input type="checkbox"/> Gas leak | |

Building Standards Board - Code Definitions 6-156

- ☐ 1. A door, aisle, passageway, stairway or other means of exit is not sufficient width size or not so arranged as to provide safe and adequate means of exit in case of panic.
- ☐ 2. The walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- ☐ 3. The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building

Code for new buildings of similar structure, purpose, or location.

☒ 4. A portion of the structure/building has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

☒ 5. A portion, member of appurtenance of the structure/building is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

☐ 6. A portion of a building, any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such buildings.

☐ 7. The building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary to support such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

☒ 8. The building or structure, or a portion thereof, is manifestly unsafe for the purpose for which it is being used.

☐ 9. The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

☐ 10. The building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, or fifty (50) percent damage or deterioration of enclosing or outside walls or coverings.

☐ 11. The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated or neglected as to become a harbor for vagrants or criminals.

☒ 12. The building or structure had been contracted, exists or is maintained in violation of the city's minimum housing standards or technical building codes to the extent violation poses a threat or potential threat to life, health, safety or property.

☐ 13. The building or structure is used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, arrangement, inadequate light, air, or sanitation facilities, is determined by the health director to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

☐ 14. The building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other mechanical, structural, or social cause, has been determined by the fire chief to be a fire hazard.

☒ 15. The building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

☐ 16. A portion of the building or structure has remained for a period of time on a site after the demolition or destruction of the building or structure, and was not approved for partial demolition by the BSB or the department of building inspections in its permitting process.

☐ 17. The building or structure, is unoccupied by its owner, lessee, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered by children.

☐ 18. The building or structure is secured by a means inadequate to prevent unauthorized entry or use in the manner described in condition subsection (17) above.

Recommendation: Repair: Bldg 1

Code and Chapter: 6-157

Delete



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 839966 | SAN ANTONIO TEXAS 78283-3966



Notification to Historic Preservation Office

The property located at **301 W Magnolia Ave** is being prepared for a hearing before the Building Standards Board. The conditions of this property identified by the Development Services Department necessitating this hearing are listed in the attached report. Refer to action #23284628.

The subject building/structure for the hearing is the:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Building 1 of 3 | <input type="checkbox"/> Main Structure |
| <input type="checkbox"/> Accessory Structure
Location on property: | <input checked="" type="checkbox"/> Other Structure, specifically: BLDG 1 |

A SEPARATE SUBMITTAL IS REQUIRED FOR EACH PROBLEM STRUCTURE

Please contact Dangerous Premises Officer Marvin Lee 373-8900 if more information is required.

Your response advising the Building Standards Board of any significance of this structure is requested to be returned within (30) thirty days of receipt of this notice.

Submitted on 9/19/19.

Michael Shannon, PE, CBO
Director of Development Services Department

STATEMENT FROM HISTORIC PRESERVATION OFFICE

The Historic Preservation Office hereby advises the Building Standards Board that the above referenced building/structure has been assessed as:

- | | |
|--|-------------------------------------|
| <input type="checkbox"/> A Local Landmark / Ordinance # _____ | |
| <input checked="" type="checkbox"/> Located Within a Local Historic District Monte Vista | |
| Contributing/Significance | <input checked="" type="checkbox"/> |
| Non-Contributing | <input type="checkbox"/> |
| <input type="checkbox"/> National Register of Historic Places District or Individual Listing: _____ Select Name _____ | |
| <input type="checkbox"/> Potentially Eligible for Individual Landmark (Historic) Designation due to Historical, Cultural, Architectural, or Archaeological Significance | |
| <input type="checkbox"/> Eligible as a Contributing Structure in a Potential Historic District. | |
| <input type="checkbox"/> Not Eligible for Individual Landmark (Historic) Designation but Potentially Significant to the Neighborhood or Area as Part of the Overall Historic Fabric. | |
| <input checked="" type="checkbox"/> Requiring a Historic and Design Review Commission Hearing | |
| <input type="checkbox"/> Not Eligible for Historic Designation | |

Returned on Thursday, September 19, 2019.


Shanon Shea Miller, HPO
Office of Historic Preservation