



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT

CITY OF SAN ANTONIO

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COUNTY OF BEXAR

STATE OF TEXAS

TO THE HONORABLE BOARD OF ADJUSTMENT:

Property description (Attach field notes if necessary):

Lot no. 8

Block No. 68

NCB 2763 Property Address: 1418 W Rosewood Ave 78201

Per Section 35-481 of the Unified Development Code (UDC), the Zoning Board of Adjustment is empowered to consider appeals of a decision made by an administration official.

The Applicant, David Rodriguez of Bexar County, alleges that

the following administrative official Shannon Miller, in his/her capacity as

Historic Preservation Officer (Name of Official), made an incorrect decision, or interpretation regarding Section 35-
(Title of Official)

of the UDC. This incorrect decision or interpretation was (List the section(s) of the UDC that was applied incorrectly. Provide details why the decision was incorrect or misinterpreted.): For requesting a Certificate of Appropriateness for approval to perform

fenestration modifications primarily featuring the replacement of wood windows with fourteen (14) aluminum windows

and all other "Applicable Citations" stated on the Historic And Design Review Commission HDRC Case #2019-467 dated 8-21-19

and the "Commission Action" report dated 08-21-2019 and signed by Shanon Miller, Historic Preservation Officer (BOTH ATTACHED)

The correct decision or interpretation should be as follows (List the section(s) of the UDC that should be applied in this decision. Provide details how the decision should be made.): The applicant should be approved for a Certificate Of Appropriateness to

perform fenestration modifications primarily featuring the replacement of wood windows with fourteen (14) aluminum windows and all

other "Applicable Citations" as stated on the above mentioned two documents.

Attached is a four page MEMO explaining my Appeal to PLEASE continue the prject.

*Note: Local Government Code § 211.010 (b) and San Antonio City Code § 35-481 (b)(1) require that the applicant give notice of the specific grounds for the appeal. Failure to state the reasons for the alleged error and applicable code sections will result in the return of your application. Please attach additional pages if necessary.

Respectfully submitted:

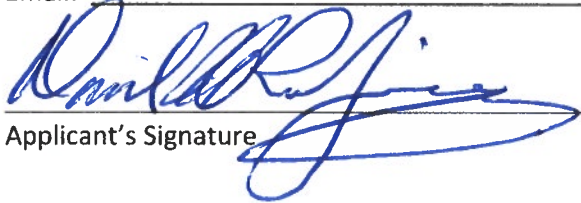
Applicant's name: David Rodriguez

Status: Owner ☒ Agent ()

Mailing address: _____

Telephone: 210.725.0320 Alternate: _____

Email: dxr302@hotmail.com


Applicant's Signature

Sep. 17, 2019

Date

Property Owner: _____

Mailing address: _____

Telephone: _____ Alternate: _____

Email: _____

I, _____ the owner of the subject property, authorize

_____ to submit this application and represent me in this
appeal before the Board of Adjustment.

Please include the following items with this appeal

- ☒ Documentation from City of San Antonio representing the decision you are appealing and proof that you are within the mandatory 30 day time limit to file the appeal.
- ☒ Sections of the UDC from which the decision was based, including all support sections which potentially reinforce your assertion that an error was made.
- ☒ Property Ownership documentation, including a copy of the warranty deed and Bexar County Appraisal District.
- ☒ Filing Fee of \$600.

September 17, 2019

To Whom It May Concern:

This memo serves as my appeal to the findings by the Office of Historic Preservation (OHP) regarding the property at 1418 W. Rosewood Ave. There are many homes much like the property in question in the Keystone neighborhood that are dilapidated and have gone without proper maintenance or investment for years. Fortunately, there are also many beautiful homes that have been the beneficiary of renovations and improvements made in recent years, much like the improvements I propose to make to the home at 1418 W. Rosewood Ave. The majority of renovated homes in the neighborhood, including those on the 1400 block of Rosewood and of Lynwood, feature updated windows similar to those I have proposed to use on my property.

While the denial I was dealt by OHP focused primarily on the windows and fenestration, the staff recommendation made no attempt to address my commitment to repair rotted wood trim, fresh paint, leveling, pavement of the driveway, repairs to the front steps, protective repairs to prevent further water damage from entering the building envelope, installation of centralized HVAC equipment, restoration of the interior wood flooring, preservation of original wood moulding around the windows on the home's interior or repairs to interior walls and ceilings. Based on their conclusions and our discussion, I have determined that OHP is primarily concerned with what can be seen from the street. As it turns out, this is one of the primary features that I am interested in improving not to mention the other improvements outlined above that I have already committed to. The historic character of my property is absolutely key to its value from my perspective. Unlike the home located across the street from 1418 W. Lynwood, I have no intention of detracting from the character of my property, and have every intention of finishing this home in a way that allows for continuity with the other homes that have been improved and preserved on this and the next block over.

Windows

OHP acknowledges that I have proposed to install fourteen (14) new aluminum windows at my expense. This is an expense that I determined was necessary to improve the integrity of the building envelope and provide some degree of insulation from the elements. Nearly all of the previously existing windows were inoperable and damaged. In most cases, there were gaps between the glass and frame; many have had the glass replaced with plastic; and, many had rotted wood. Upon inspecting the existing windows, I determined the windows to be deteriorated beyond repair. OHP had no basis for their finding that the windows were in repairable condition. In fact, the only operable window that is in any sort of favorable condition is a large picture window, front and center, that appears to be a 1970s-1980s aluminum frame window, obviously of no concern to OHP. I have no reason to mislead anyone regarding the historic windows given that taking them out, disposing of their remains, purchasing new windows, installing and finishing them is of great expense to me. If I could avoid this expense, I would. Restoring the existing windows to their original configuration is even more unreasonable than repairing them would have been when compared to the investment I chose to make in my property.

The windows I chose have been used on many of the other homes in the neighborhood, including 25 homes on the 1300 and 1400 blocks of Rosewood and Lynwood, and I was

sensitive enough to select windows with the same open muntin pattern that could be found on the previously existing windows. As I mentioned before, preserving and restoring the home's character is an important feature to the renovation of my property. As part of my appeal, I would like to request permission to move forward with the installation of the remaining windows so as not to allow further deterioration of the walls or window frames that may occur if left unattended.

Fenestration

OHP staff also found that there were fenestration modifications made that were not allowed. When I purchased this property, a space that was originally an exterior porch on the side of the home had been enclosed in the 1980s, with the openings covered with plywood and poor quality doors that were also inoperable and not original as stated by OHP. This was most likely the original rear entry to the home. Upon examination of the floor plan, I determined that the enclosed porch was 1) living space square footage that I purchased and therefore wanted to utilize, and 2) unsafe to keep intact the way I found it. Therefore, I decided to replace the plywood walls with real walls and replace the non-original doors with windows and an operable door to improve the interior living space. I should not have to, nor should anyone who would live in this home in the future have to maintain this state because someone did a poor job at some point in the past, well after the house was originally built. As part of my appeal, I would like to request that I can maintain the wall and fenestration improvements made to the side of the home rather than replacing the plywood and rotted, unoriginal doors.

Additionally, OHP found that some vinyl siding had been removed on the side and rear facades, which allowed me to commence repairs to the roof and walls in order to prevent further water damage, which was evident considering the poor quality construction that had been in place for years. To restore this to a usable space, we moved forward with these repairs with the intent of replacing the vinyl siding to match the siding profile of the rest of the house. I purchased a home with vinyl siding, so the home has vinyl siding as far as I am concerned. If a future owner of this property chooses to restore the wood siding, that should be their prerogative, not my requirement. As it is now, I have committed to a significant investment to ensure this previously neglected home is thoughtfully updated. That includes an improved living space and maintaining the historic character of the home's exterior from the street. As part of my appeal, I am requesting that the vinyl siding be replaced once the repairs have been properly completed so the home has a single and consistent exterior siding profile rather than with multiple materials that would not compliment one another.

Living Space

As was mentioned in my opening, the Living Space is not only being updated and improved to current standards of living, but to the extent possible, being restored or preserved in terms of the wood finishes on the floor and moulding. The floor had been completely covered over the years with multiple layers of vinyl, which I have removed at great expense, and I have committed to refinishing the wood floors and replacing any missing planks with identical hardwood flooring.

Structurally, the home needed to be leveled and the interior walls and ceiling repaired. There were previously a couple places where the ceiling had partially collapsed due to unchecked leakage. There was one inoperable restroom, which is in the process of being repaired if I am able to proceed. The rear entry will be fully functional and safe where it was not before if I am allowed to proceed, and the living space will be improved if the windows can remain in place rather than putting back the dilapidated walls and doors.

Other Committed Improvements

While I understand that OHP is simply following its own guidelines, they did not consider the severe erosion occurring along the dirt and gravel driveway, nor did they address the safety hazard presented by the shifting steps leading up to the front of the house. Similarly, they did not acknowledge the 70s-80s era aluminum picture window that is prominently placed on the front facade, which in my opinion should be replaced with dual windows, which was likely the original configuration. These oversights represent a gross misrepresentation of what restoration and preservation should aim to do for our City's historic neighborhoods like Keystone. Home buyers want homes that not only have character, but that will be resilient to the elements and include the modern comforts that residents have come to expect.

I have committed to paving the driveway to prevent further erosion and soil runoff into the stormwater system. This will also provide an ideal surface for parking, entry and exit from the vehicle. I will also repair the front steps so they are safe for people walking up to the front of the house and so they look nice from the street, unlike their current condition. I have also committed to repairing severely rotted wood trim on the front of the house and restoring identical brackets that have been either removed or are severely rotted from the eave along the front of the house, all of which was omitted from the OHP finding.

Our Investment

My wife and I have been small, minority business owners in San Antonio for 45 years. We raised our two sons in a historic home in Monte Vista on West Hollywood. Living there for 24 years, we have a keen understanding and appreciation for historic homes, which also includes the expense of maintaining materials that in some cases were not intended to last for decades without eventual replacement. While Keystone is not Monte Vista, we don't take the responsibility of renovating this beautiful little home lightly. The intent was never to get away with defacing this property, but to the contrary, we want to ensure that we maintain the historic character, while providing some degree of resiliency and ease of maintenance to future owners of this home.

While I was honestly not aware of the historic designation, that did not mean I did not understand the value that the home's original character would have to the neighborhood and the future homeowners. This is important to me and I know it's important to someone who would wish to purchase this home in the future. I am not insensitive to the architectural aesthetic, particularly of the exterior, which is central to the property's curb appeal. Moving forward, I

commit to making sure that I do all my homework and if a property has a historic designation and makes sense to purchase, I will coordinate with OHP proactively.

I humbly request an appeal to the OHP recommendation for the following:

1. Submitting accurate measured drawings to staff noting the restoration of original fenestration.
2. Restoring all wood windows and doors to their original configuration and location.
3. If any windows or doors are found to be permanently discarded, then specifications must be submitted to staff prior to purchase and installation of replacement windows.
4. No removed vinyl is allowed to be reinstalled. All elevations should feature wood lap siding matching the original siding profile of the structure

These recommendations would present an economic hardship and would not allow for the renovation to be completed. This would not be a matter of following through with the recommendation, but selling the property and a severe loss to someone with the means to follow through with the recommendations. Since work has stopped, the home has been exposed to the elements and as it is now, the home will require extra work to repair any damage that has been done in the interim.

As part of my appeal, I would like to request permission to move forward with:

1. Installation of the remaining windows so as not to allow further deterioration of the walls or window frames that may occur if left unattended.
2. Maintaining the wall and fenestration improvements made to the side of the home rather than replacing the plywood and rotted, unoriginal doors.
3. Replacing the vinyl siding once the repairs have been properly completed so the home has a single and consistent exterior siding profile rather than with multiple materials that would not compliment one another.

I hope that I can be allowed to move forward with completing the renovation I know will make not only the neighbors, but the future homeowners proud of the improvement. In addition to the items outlined as part of my appeal, I hope that the Board of Adjustment also give some consideration to the commitments I have outlined above under "Living Space" and "Other Committed Improvements." Thank you for your time and consideration on this matter.



CITY OF SAN ANTONIO OFFICE OF HISTORIC PRESERVATION

HISTORIC AND DESIGN REVIEW COMMISSION COMMISSION ACTION

This is not a Certificate of Appropriateness and cannot be used to acquire permits

August 21, 2019

HDRC CASE NO: 2019-467
ADDRESS: 1418 W ROSEWOOD AVE
LEGAL DESCRIPTION: NCB 2763 BLK 68 LOT 8
HISTORIC DISTRICT: Keystone Park
APPLICANT: David Rodriguez/J D ROMI GROUP LLC - PO BOX 15585
OWNER: J D ROMI GROUP LLC - PO BOX 15585
TYPE OF WORK: Window replacement/fenestration changes

REQUEST:

Replace the existing wood windows with new aluminum windows.

FINDINGS:

a. The structure at 1418 W Rosewood was constructed circa 1925 with Tudor influences and first appears on the 1951 Sanborn map. The one story structure features vinyl siding over wood lap siding, steep front-facing and turned gables, a subtle sweeping curve front porch cover, and an original porte-cochere. The property contributes to the Keystone Park Historic District. b. COMPLIANCE – Staff conducted a site visit on July 2, 2019, and found that the property was subjected to a number of fenestration modifications including door removal and window relocation in the rear side bay as well as the installation of aluminum windows throughout the structure. A number of wood windows and an original door were visible on the site at the time. The applicant submitted and application on August 2, 2019, to be heard at the next HDRC hearing. c. WINDOWS – The applicant has proposed to install fourteen (14) aluminum windows including relocation and resizing. Per the Guidelines for Exterior Maintenance and Alterations, historic windows should be preserved in place and only considered for replacement when they have deteriorated beyond repair. Staff finds that the wood windows were in repairable condition at the time of the site visit and should be restored to their original configuration and location. d. FENESTRATION - The applicant did not disclose fenestration modifications that were performed without approval on the application. Staff finds that most notably the two door openings under the Tudor arch trim have been removed and replaced with small picture windows. Portions on both the side and rear elevations have had their vinyl and wood siding removed and featured construction wrap at the time of the site visit. Per the February 2019, photograph and the July 2019, site visit including the materials visible on site, staff finds that beside the vinyl siding, the structure has maintained almost all of its original features.

RECOMMENDATION:

Staff does not recommend approval based on findings c through d. If the commission denies any of the items, all work without approval should be reversed or corrected within 90 days unless otherwise stipulated including: i. Submitting accurate measured elevation drawings to staff noting the restoration of original fenestration ii. Restoring all wood windows and doors to their original configuration and location iii. If any windows or doors are found to be permanently discarded, then specifications must be submitted to staff prior to purchase and installation of replacement windows. iv. No removed vinyl is allowed to be re-installed. All elevations should feature wood lap siding matching the original siding profile of the structure.

HISTORIC AND DESIGN REVIEW COMMISSION

August 21, 2019

BOARD
OF
ADJUSTMENTS

HDRC CASE NO: 2019-467
ADDRESS: 1418 W ROSEWOOD AVE
LEGAL DESCRIPTION: NCB 2763 BLK 68 LOT 8
ZONING: R-4, H
CITY COUNCIL DIST.: 1
DISTRICT: Keystone Park Historic District
APPLICANT: David Rodriguez/J D ROMI GROUP LLC
OWNER: J D ROMI GROUP LLC
TYPE OF WORK: Window replacement
APPLICATION RECEIVED: August 05, 2019
60-DAY REVIEW: October 04, 2019
CASE MANAGER: Huy Pham

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to perform fenestration modifications primarily featuring the replacement of wood windows with fourteen (14) aluminum windows.

APPLICABLE CITATIONS:

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.
- 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

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

SPECIAL WARRANTY DEED

SCANNED

Date: August ____, 2019

Grantor: J D ROMI GROUP, L.L.C., a Texas limited liability company

Grantor's Mailing Address (including county): PO Box 15585, San Antonio, Bexar County, Texas 78212

Grantee: DAVID X RODRIGUEZ

Grantee's Mailing Address (including county): PO Box 15585, San Antonio, Bexar County, Texas 78212

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt, sufficiency and fairness of which consideration is hereby acknowledged and confessed.

PROPERTY (including any improvements): Lot 8, Block 68, New City Block 2763, Keystone Park Addition, in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 105, Page 152, Deed and Plat Records of Bexar County, Texas, and as amended in Volume 772, Page 366, Deed Records, Bexar County, Texas.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:


This conveyance is made and accepted expressly subject to any and all restrictions, reservations, covenants and easements, if any, relating to the hereinabove described Property, to the extent and only to the extent that same are still in force and effect and shown of record in the Office of the County Clerk of Bexar County, Texas, together with all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described Property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS, and CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors, or assigns to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty, by, through or under me, but not otherwise.

When the context requires, singular nouns and pronouns include the plural.

GRANTOR:

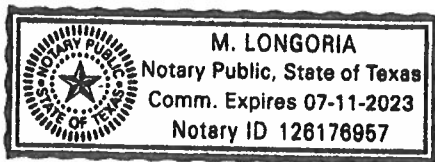
J D ROMI GROUP, L.L.C., a Texas limited liability company

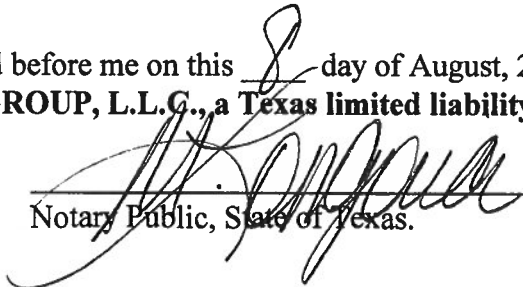


DAVID X RODRIGUEZ, Manager

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on this 8 day of August, 2019, by **DAVID X RODRIGUEZ, Manager of J D ROMI GROUP, L.L.C., a Texas limited liability company.**





Notary Public, State of Texas.

After recording, Return to:

David X Rodriguez
PO Box 15585
San Antonio, Texas 78212



VG-42-2019-20190155195

File Information

**FILED IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

Document Number: 20190155195
Recorded Date: August 08, 2019
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Total Pages: 3
Total Fees: \$30.00

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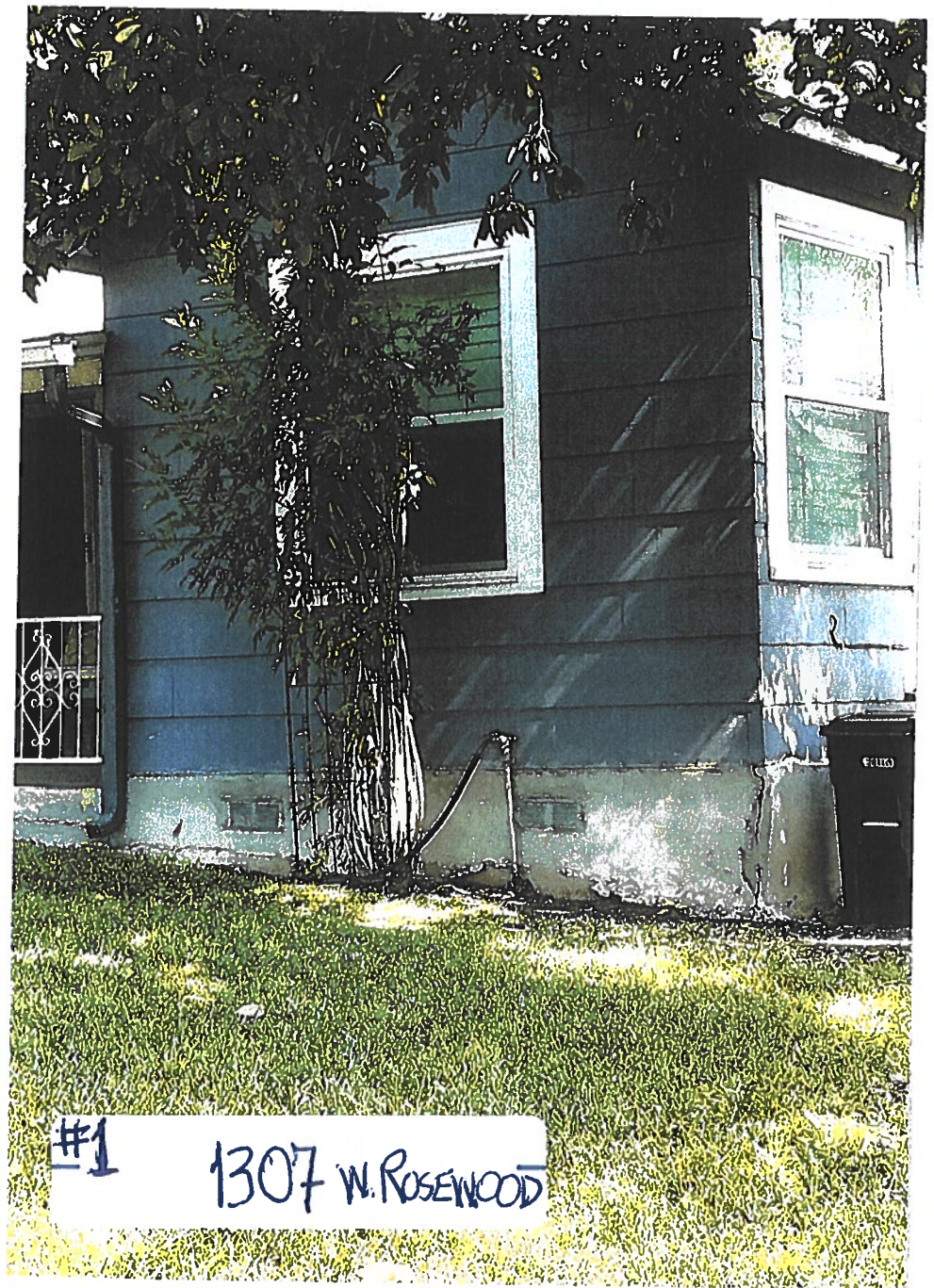
Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Bexar County, Texas on:
8/8/2019 12:53 PM



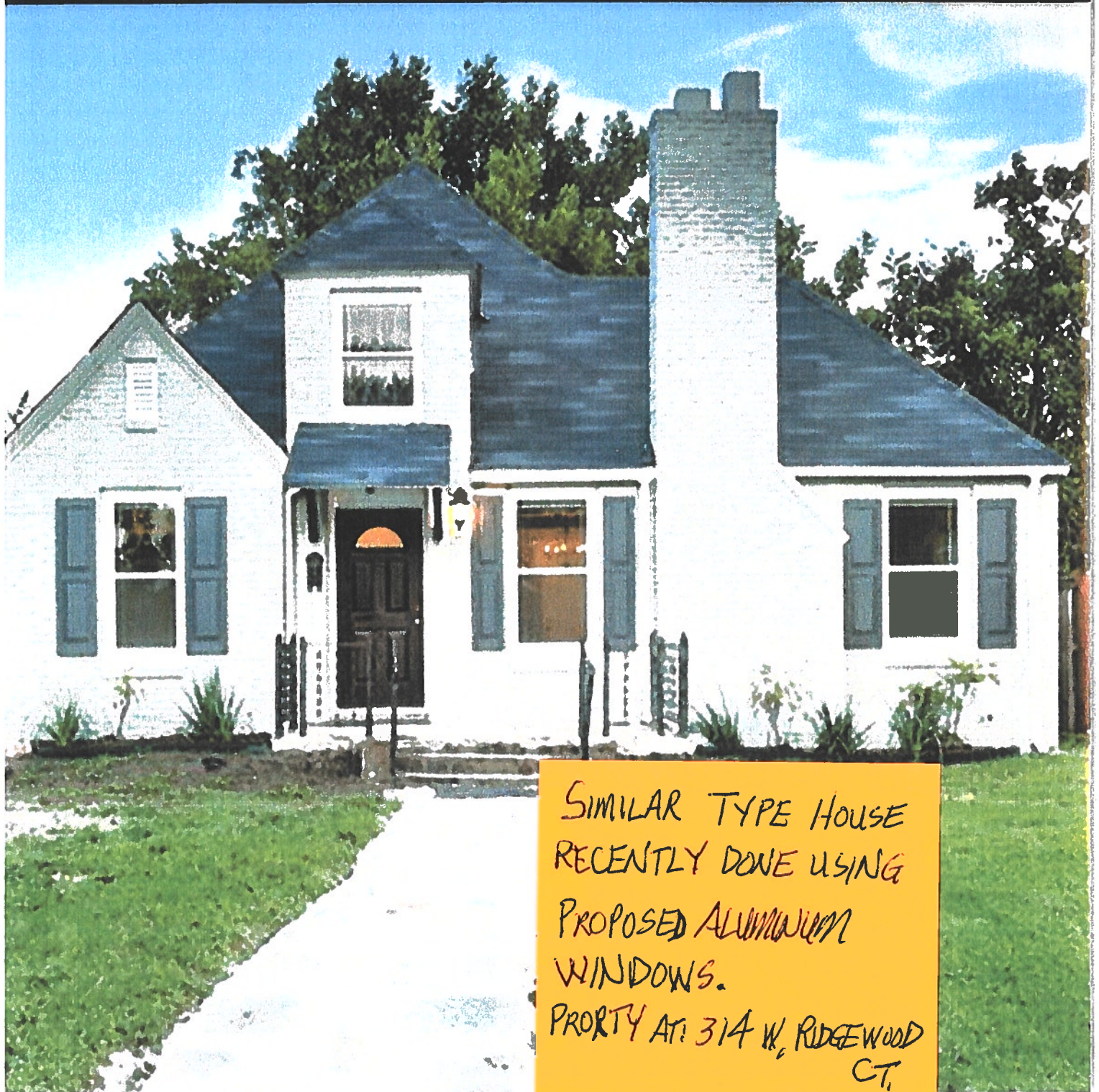
Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk



NEARBY (IN DISTRICT)
PROPERTIES USING
PROPOSED WINDOWS.



USED PROPOSED WINDOWS
AT THIS PROPERTY.



SIMILAR TYPE HOUSE
RECENTLY DONE USING
PROPOSED ALUMINUM
WINDOWS.

PROPERTY AT: 314 W. RIDGEWOOD
CT,
78212



4G LTE 76% 10:03 AM



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