

HISTORIC AND DESIGN REVIEW COMMISSION

December 04, 2019

HDRC CASE NO: 2019-680
ADDRESS: 309 WICKES
LEGAL DESCRIPTION: NCB 939 BLK 2 LOT 3 & SE 3.3 FT OF 2
ZONING: RM-4,H
CITY COUNCIL DIST.: 1
DISTRICT: King William Historic District
APPLICANT: Sergio Tejadilla/TEJADILLA SERGIO A
OWNER: TEJADILLA SERGIO A
TYPE OF WORK: Demolition of a rear accessory structure
APPLICATION RECEIVED: October 30, 2019
60-DAY REVIEW: December 29, 2019
CASE MANAGER: Stephanie Phillips
REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to demolish a contributing rear accessory structure.

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.

FINDINGS:

- a. The primary structure located at 309 Wickes is a one story single-family home constructed in approximately 1920 in the Craftsman style. It is a contributing structure within the King William Historic District. The property contains a rear accessory structure, also constructed circa 1920, which is also contributing to the King William Historic District. The applicant has requested approval to demolish the rear accessory structure.
- b. DEMOLITION – The applicant is requesting approval for the demolition of the rear accessory structure only. There are not replacement plans proposed at this time. In general, accessory structures contribute to the character of historic properties and the historical development pattern within a historic district.
- c. CONTRIBUTING STATUS – The rear accessory structure is a one story, two bay structure constructed circa 1920 featuring a side gable configuration with board and batten siding, wood windows, and a wood door. The structure appears on the 1951 Sanborn Map. While several original materials exist and the original footprint appears to be intact, the structure has been subject to deterioration and roof and structural damage. While staff finds that the structure is deteriorating, the structure is still contributing to the district.
- d. 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, largely due to structural compromise. The applicant indicated that they attempted to collect reasonable costs for repair and restoration. Staff finds that evidence for UDC Section 35-614(b) has been met based on the documentation provided.
- e. 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. Staff finds that a loss of significance may have occurred due to the exhibited structural damage.

RECOMMENDATION:

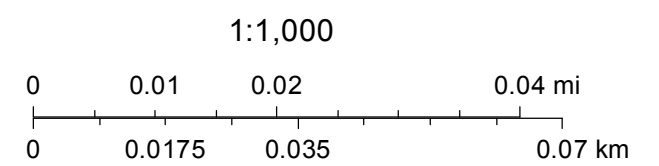
Staff recommends approval of the demolition based on findings c through f with the following stipulation:

- i. That materials from the historic accessory structure including salvageable wood siding, rafter tails, interior wood elements, wood doors, and wood windows be salvaged and stored for use on site in future construction or donated. A comprehensive salvage plan is required prior to receiving a Certificate of Appropriateness.

City of San Antonio One Stop



November 25, 2019



1911 - 1951 SANBORN MAP











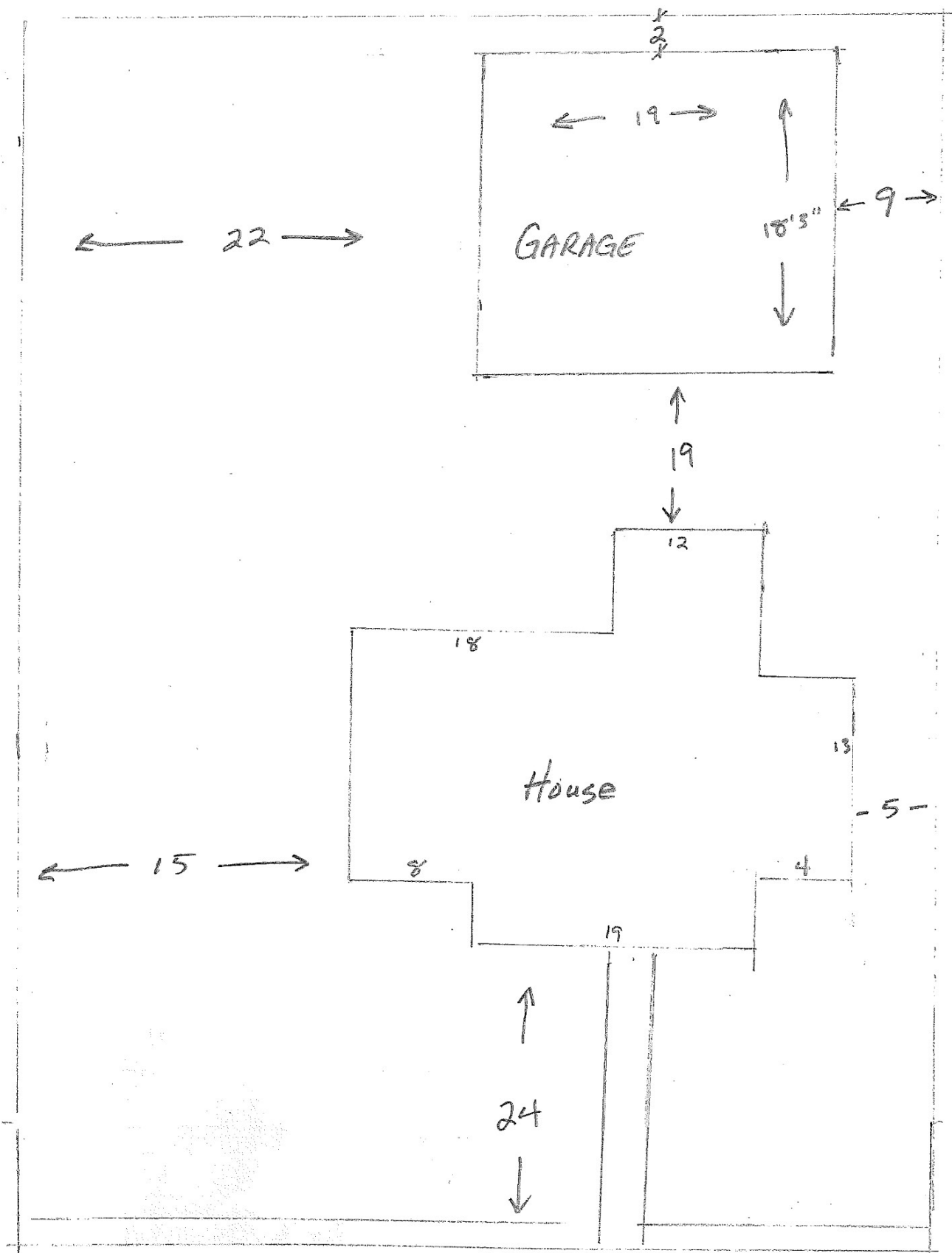








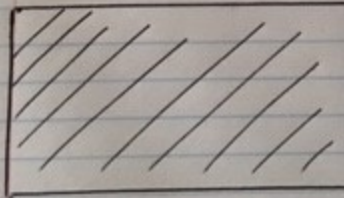
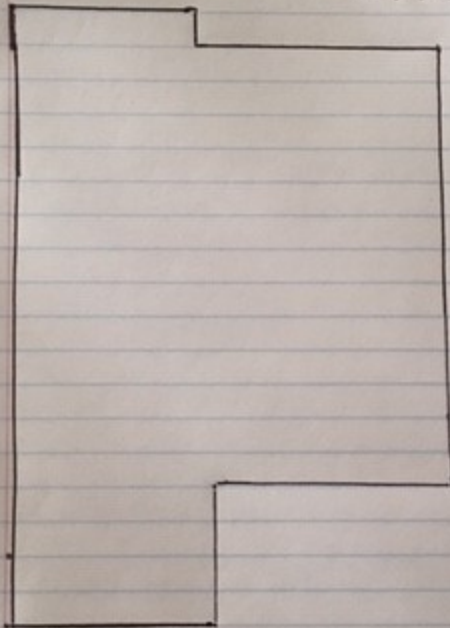




309 Wickes

WICKES STREET

309 WICKES ST. SAN ANTONIO
78210



SHED TO BE
DEMOLISHED

Since 1985

Bluebonnet Construction Company

Steve Grinnell
238 Haggin
San Antonio, TX 78210
210-381-0883

Celebrating
34 Years
in Business

October 30, 2019

Sergio Tejadilla
stejadilla@aol.com

Estimate for repair of garage/storage building at 309 Wickes, San Antonio, TX

The garage / storage building is completely rotted and eaten up by termites.

- All rafters have detached from outside walls.
- The roof has fallen and is supported only by center wall.
- The front and back walls are leaning 16 inches out of plumb, and are supported by fence posts.

To quote a repair cost of \$45,000 would be out of the question because a new building could be erected for less.

Matching the building style could be done, and the removal of infested wood on site would be beneficial to the neighborhood.

Please let me know if we can be of service to you in future plans.

Sincerely,



Steven H. Grinnell



1ST CHOICE ABATEMENT & DEMOLITION
12105428383
9330 WOODHEATHER ST
SAN ANTONIO, Texas
78254-2220
United States

Billed To
Sergio Tejadilla
309 Wickes St
SAN ANTONIO, Texas
78210
United States

Estimate Date
10/16/2019

Estimate Number
417

Description	Rate	Qty	Line Total
ASBESTOS TRANSITE EXTERIOR S 1ST CHOICE ABATEMENT & DEMOLITION IS PROPOSING TO ABATE TRANSITE SIDING FROM ALL 4 SIDES OF THE GARAGE LOCATED AT: 309 WICKES ST. SAN ANTONIO, TEXAS. REMOVAL WILL BE ACHIEVED USING N.E.S.H.A.P. AN OSHA APPROVED WET METHOD. ALL WASTE WILL BE HANDLED APPROPRIATELY AND DISPOSED OF IN AN CERTIFIED AND REGULATED LANDFILL.	\$875.00	1	\$875.00
Asbestos Contamination Clean-Up and Demolition 1ST CHOICE ABATEMENT & DEMOLITION IS HONORED TO PRESENT A ADDITIONAL QUOTE TO MR.TEJADILLA ; FOR THE DEMOLITION OF WOOD GARAGE THAT IS ALREADY A GREAT CAUSE OF CONCERN ITS LEANING TO THE SIDE AND IS DEEMED UN-SAFE WE SUGGEST GETTING A BOBCAT OR HAND TEAR UP THIS WOODEN GARAGE AND DISPOSE OF PROPERLY ARE PROPOSAL IS TURN KEY- LABOR ,TOOLS,SUPPLIES EQUIPMENT AND DISPOSAL IN 40YD DUMPSTER OR ARE DUMP TRAILERS EVERYTHING TO BRING THIS UNSAFE STRUCTURE DOWN AND CLEANED IN A SAFE AND TIMELY MANNER	\$3,000.00	1	\$3,000.00

TIME FRAME; 3 DAYS

Subtotal	3,875.00
Tax	0.00

Notes

PRICE IS GOOD FOR 15 DAYS

Terms

EXCLUSIONS.

AIR MONITORING OR CONSULTANT FEES.

ANY UNFORESEEN ASBESTOS ADDED TO SCOPE OR DEMOLITION NOT IN SCOPE

***ALL UTILITY'S MUST BE CUT OFF AND DISCONNECTED BY OWNER" ELECTRIC "GAS " WATER ***

PAYMENT IS DUE UPON COMPLETION.