

HISTORIC AND DESIGN REVIEW COMMISSION

March 17, 2021

HDRC CASE NO: 2021-123
ADDRESS: 403 E EVERGREEN
LEGAL DESCRIPTION: NCB 396 BLK 29 LOT 7
ZONING: R-6,H
CITY COUNCIL DIST.: 1
DISTRICT: Tobin Hill Historic District
APPLICANT: Angel Whitley/Rhino Design Build
OWNER: MURAS PATRICK J & LISA
TYPE OF WORK: Demolition of accessory structure with new construction of 1-story accessory structure, site modifications
APPLICATION RECEIVED: February 05, 2021
60-DAY REVIEW: Not applicable due to City Council Emergency Orders
CASE MANAGER: Stephanie Phillips

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to:

1. Demolish the existing 1-story rear accessory structure.
2. Construct a new 1-story rear accessory structure.
3. Perform driveway modifications.

APPLICABLE CITATIONS:

Historic Design Guidelines, Chapter 4, Guidelines for New Construction

5. Garages and Outbuildings

A. DESIGN AND CHARACTER

- i. *Massing and form*—Design new garages and outbuildings to be visually subordinate to the principal historic structure in terms of their height, massing, and form.
- ii. *Building size* – New outbuildings should be no larger in plan than 40 percent of the principal historic structure footprint.
- iii. *Character*—Relate new garages and outbuildings to the period of construction of the principal building on the lot through the use of complementary materials and simplified architectural details.
- iv. *Windows and doors*—Design window and door openings to be similar to those found on historic garages or outbuildings in the district or on the principle historic structure in terms of their spacing and proportions.
- v. *Garage doors*—Incorporate garage doors with similar proportions and materials as those traditionally found in the district.

B. SETBACKS AND ORIENTATION

- i. *Orientation*—Match the predominant garage orientation found along the block. Do not introduce front-loaded garages or garages attached to the primary structure on blocks where rear or alley-loaded garages were historically used.
- ii. *Setbacks*—Follow historic setback pattern of similar structures along the streetscape or district for new garages and outbuildings. Historic garages and outbuildings are most typically located at the rear of the lot, behind the principal building. In some instances, historic setbacks are not consistent with UDC requirements and a variance may be required.

Historic Design Guidelines, Chapter 5, Guidelines for Site Elements

5. Sidewalks, Walkways, Driveways, and Curbing

A. SIDEWALKS AND WALKWAYS

- i. *Maintenance*—Repair minor cracking, settling, or jamming along sidewalks to prevent uneven surfaces. Retain and repair historic sidewalk and walkway paving materials—often brick or concrete—in place.

- ii. *Replacement materials*—Replace those portions of sidewalks or walkways that are deteriorated beyond repair. Every effort should be made to match existing sidewalk color and material.
- iii. *Width and alignment*—Follow the historic alignment, configuration, and width of sidewalks and walkways. Alter the historic width or alignment only where absolutely necessary to accommodate the preservation of a significant tree.
- iv. *Stamped concrete*—Preserve stamped street names, business insignias, or other historic elements of sidewalks and walkways when replacement is necessary.
- v. *ADA compliance*—Limit removal of historic sidewalk materials to the immediate intersection when ramps are added to address ADA requirements.

B. DRIVEWAYS

- i. *Driveway configuration*—Retain and repair in place historic driveway configurations, such as ribbon drives. Incorporate a similar driveway configuration—materials, width, and design—to that historically found on the site. Historic driveways are typically no wider than 10 feet. Pervious paving surfaces may be considered where replacement is necessary to increase stormwater infiltration.
- ii. *Curb cuts and ramps*—Maintain the width and configuration of original curb cuts when replacing historic driveways. Avoid introducing new curb cuts where not historically found.

C. CURBING

- i. *Historic curbing*—Retain historic curbing wherever possible. Historic curbing in San Antonio is typically constructed of concrete with a curved or angular profile.
- ii. *Replacement curbing*—Replace curbing in-kind when deteriorated beyond repair. Where in-kind replacement is not be feasible, use a comparable substitute that duplicates the color, texture, durability, and profile of the original. Retaining walls and curbing should not be added to the sidewalk design unless absolutely necessary.

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)

FINDINGS:

- a. The primary structure at 403 E Evergreen is a 2 ½-story residence constructed circa 1920 in the Craftsman style located at the intersection of E Evergreen and Paschal St. The structure features woodlap and shake siding, original wood windows and screens, a full-width front porch with battered columns, and a jerkinhead roof with clipped gables over dormers. The structure is contributing to the Tobin Hill Historic District. The structure also features a 1-story rear accessory structure, also contributing to the district.
- b. **DEMOLITION OF REAR ACCESSORY STRUCTURE** – The applicant is requesting approval for the demolition of the rear accessory structure. In general, accessory structures contribute to the character of historic properties and the historical development pattern within a historic district.
- c. **CONTRIBUTING STATUS** – The existing 1-story rear accessory structure is a one story, single bay garage structure with vertical wood siding, a wooden garage door, and an asphalt shingle roof with a jerkinhead or clipped gable to mimic the primary structure. The structure fronts Paschal St. While a structure appears on the 1951 Sanborn Map, the footprint and location are different. While several original materials exist that were potentially used historically, the structure has undergone several ill-executed modifications over the years, including those that have resulted in the shifting and racking of side walls. There is no foundation. While staff finds that the structure is rapidly deteriorating and is likely not original to the site in terms of the construction date of the primary structure, the structure is still contributing to the district in scale and development pattern.
- 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 due to its structural condition. 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 modifications and deterioration of original materials, as well as the likelihood that the structure is a later addition to the site, sometime after 1951.
- f. **NEW REAR ACCESSORY STRUCTURE** – The applicant has proposed to construct a new 1-story rear accessory structure measuring 25' x 29'-6" in footprint, totaling approximately 737 square feet. The new structure will be located closer to the side property line and will feature a larger footprint to accommodate two cars. The structure will feature woodlap siding, an asphalt shingle roof with a clipped gable detail, and wood corbels and cedar shake siding in the gable facing Paschal St. The elevations indicate a double bay garage door with detailing that mimics two single bays. The materials for the garage door, pedestrian doors, and windows are not indicated. According to the Historic Design Guidelines, new rear accessory structure should follow the development pattern of the district in scale, siting, height, form, and materiality. Staff

generally finds the request appropriate and consistent with the Guidelines, and finds that all windows, doors, and garage doors should be wood or aluminum-clad wood as indicated in the recommendation.

- g. DRIVEWAY MODIFICATIONS – The applicant has proposed to widen the driveway fronting Paschal St to accommodate the proposed 2-bay accessory structure. The existing driveway features partial ribbons that do not extend fully to the street. The proposed driveway measures approximately 18' in width and will be fully concrete. According to the Guidelines, driveways should follow the historic development pattern of the district. Driveways are typically 10 feet in width. While the driveway is located in the property's side yard, it will front a primary street that features the front facades of primary historic structures. Along the block stretching to E Park, the driveways consistently follow the historic development pattern in width. Staff finds that the applicant should propose a double ribbon driveway to minimize the impact of a double wide driveway in this location, retain the maximum amount of pervious coverage, and retain the existing ribbon driveway configuration, which was a common historic development pattern in the district for driveways.

RECOMMENDATION:

Item 1, Staff recommends approval of the demolition based on findings b through e with the following stipulation:

- i. That materials from the historic accessory structure including salvageable wood siding and framing be salvaged and utilized in the new construction on site, stored for future repairs or use, or donated. A salvaged plan must be submitted to staff prior to the issuance of a Certificate of Appropriateness.

Items 2 and 3, Staff recommends approval of the construction of a new 1-story rear accessory structure and proposed driveway modifications based on findings f and g with the following stipulations:

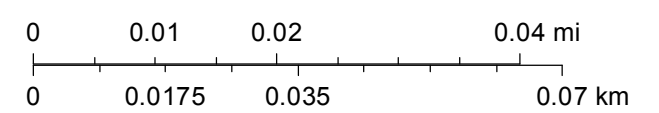
- i. That the applicant complies with all applicable development and setback requirements as required by the Development Services Department and obtains a variance from the Board of Adjustment if applicable.
- ii. That the proposed garage door specifications be submitted to staff for review and approval prior to the issuance of a Certificate of Appropriateness. The door should be wood and feature a traditional design.
- iii. That the windows meet the following stipulations: windows must be fully wood or aluminum-clad wood windows and feature a true one-over-one configuration. Meeting rails must be no taller than 1.25" and stiles no wider than 2.25". White manufacturer's color is not allowed, and color selection must be presented to staff. There should be a minimum of two inches in depth between the front face of the window trim and the front face of the top window sash. This must be accomplished by recessing the window sufficiently within the opening or with the installation of additional window trim to add thickness. Window trim must feature traditional dimensions and architecturally appropriate sill detail. Window track components must be painted to match the window trim or concealed by a wood window screen set within the opening.
- iv. That the driveway be modified to feature two pairs of concrete ribbons in lieu of a fully concrete, double-width driveway as noted in finding g. The spaces within and between ribbons may be filled with decomposed granite, grass, plantings, or a similar pervious surface. The applicant is required to submit an updated site plan with dimensions and material information to staff for review and approval prior to the issuance of a Certificate of Appropriateness.

City of San Antonio One Stop



March 12, 2021

1:1,000











city

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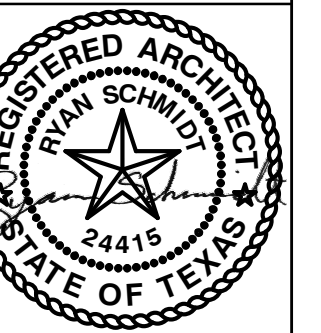
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SEPTEMBER 22, 2020

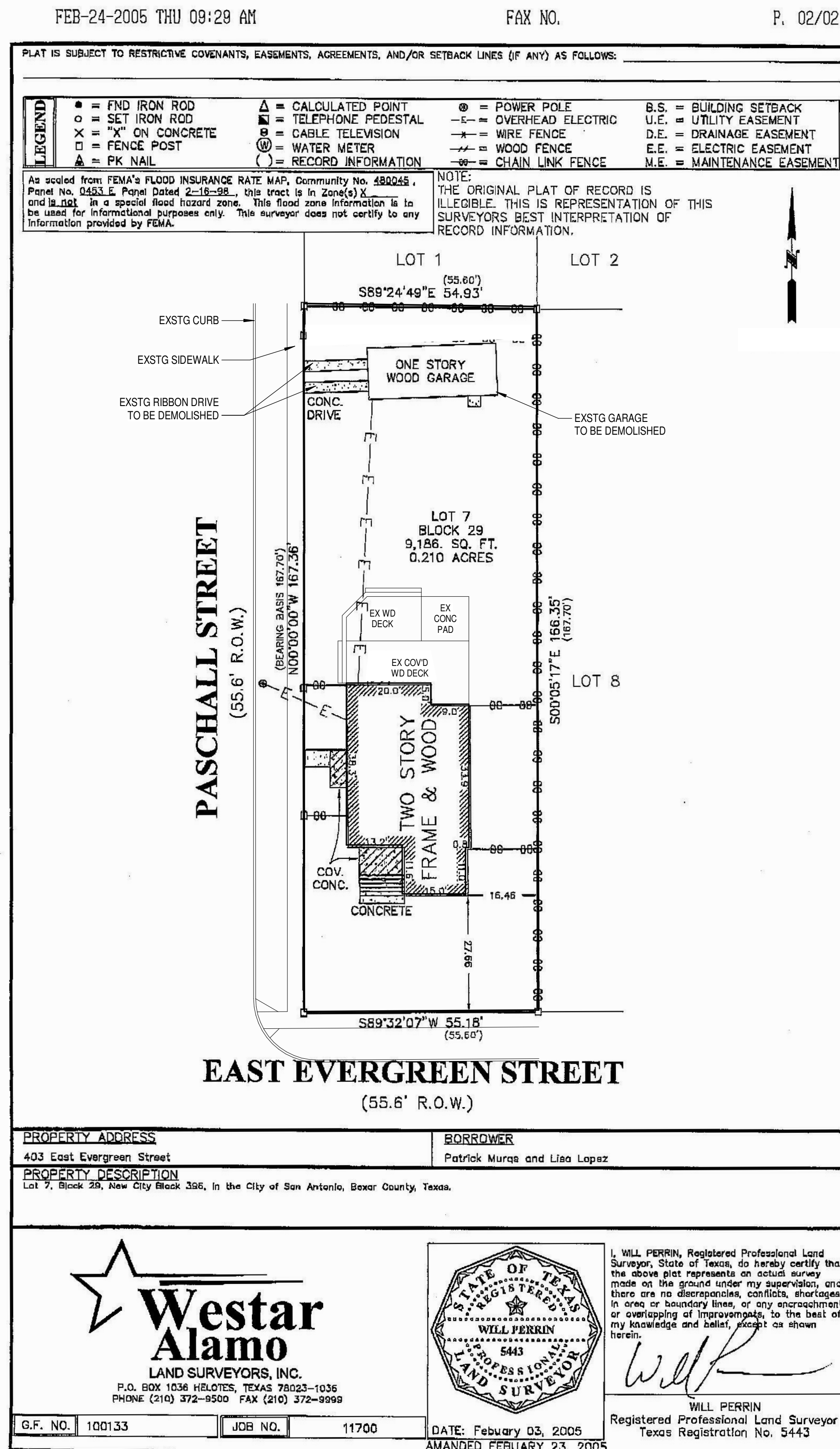
INSTRUCTION DOCUMENTS

DETACHED GARAGE
403 E EVERGREEN ST, SAN ANTONIO, TX 78212

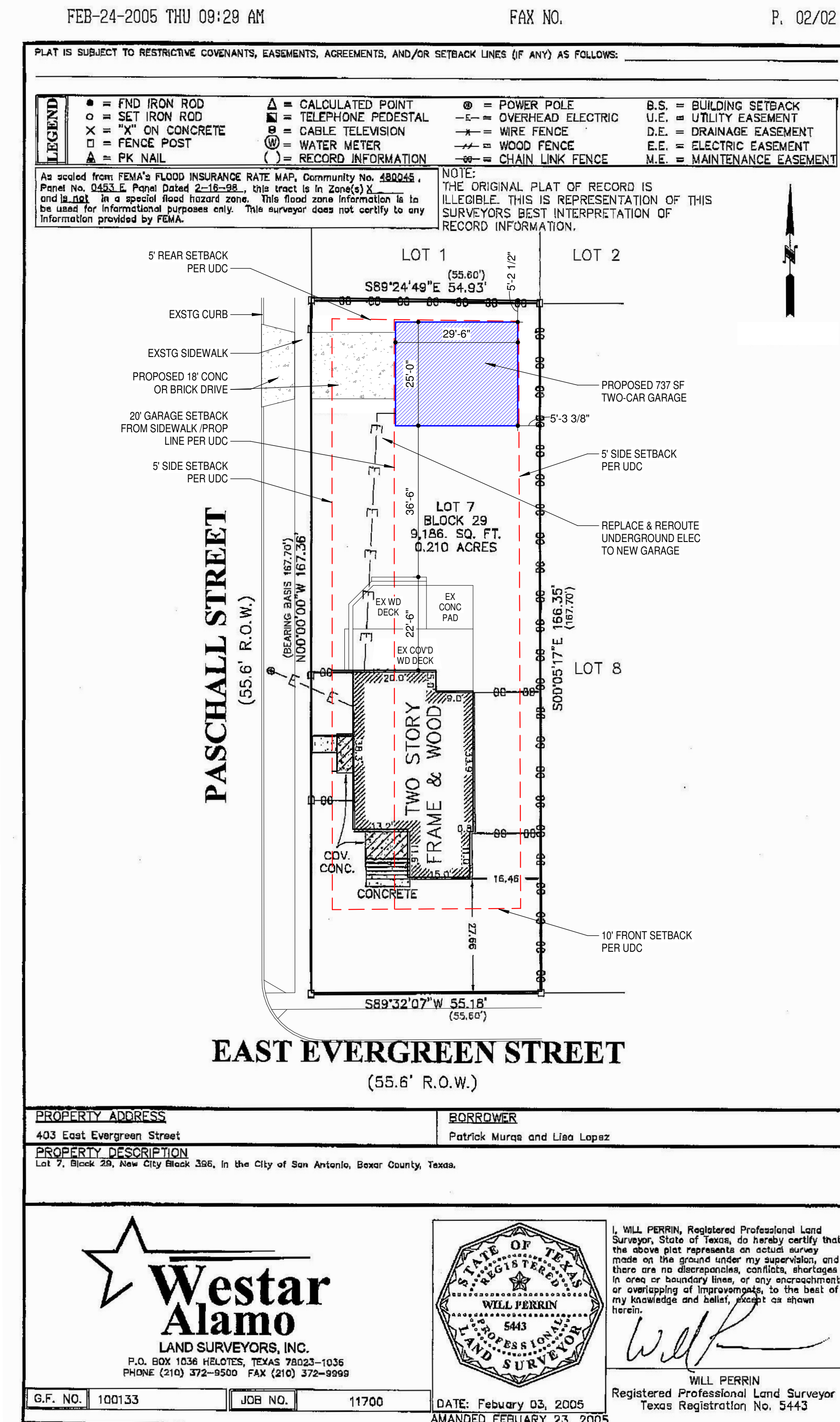
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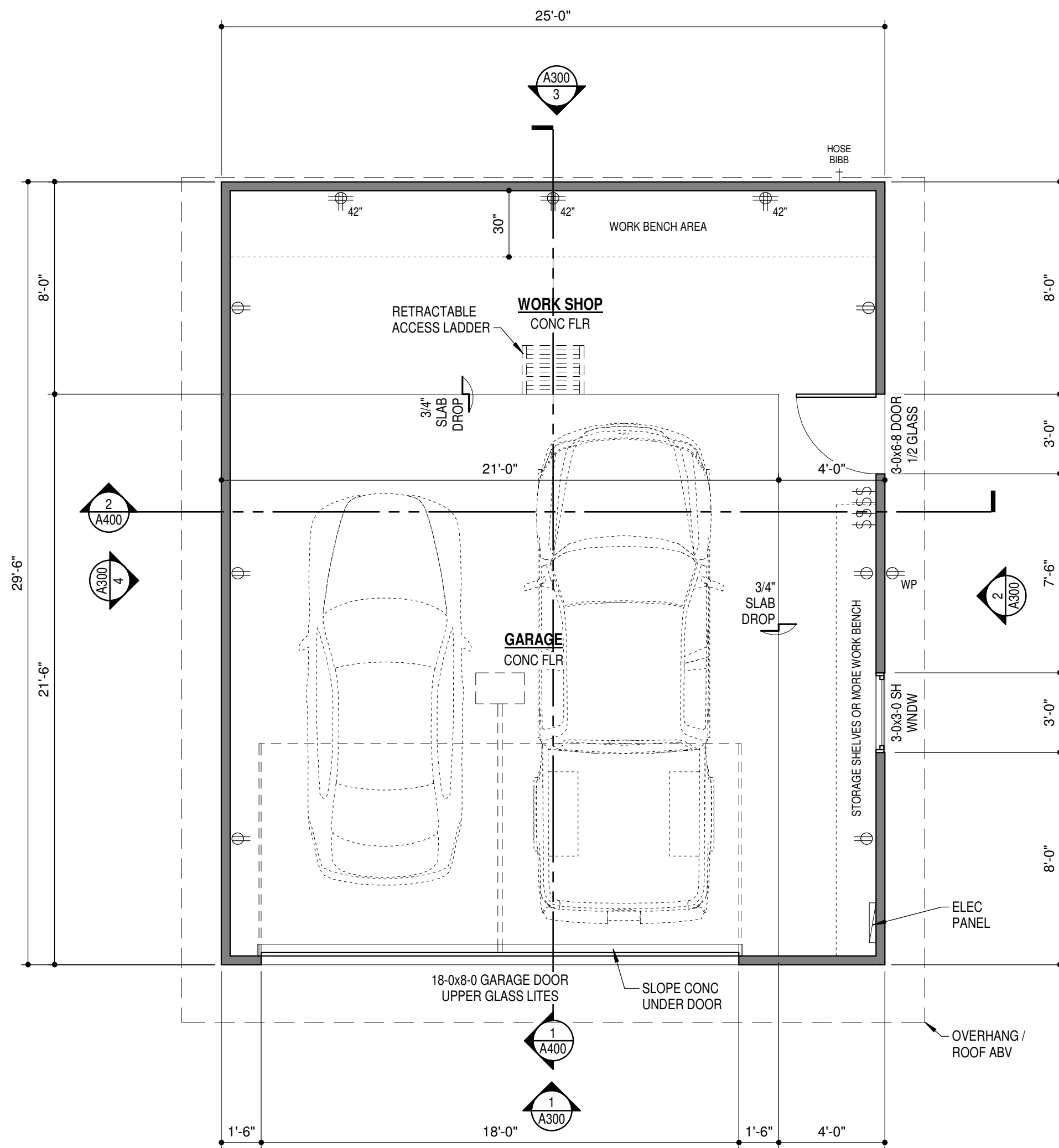
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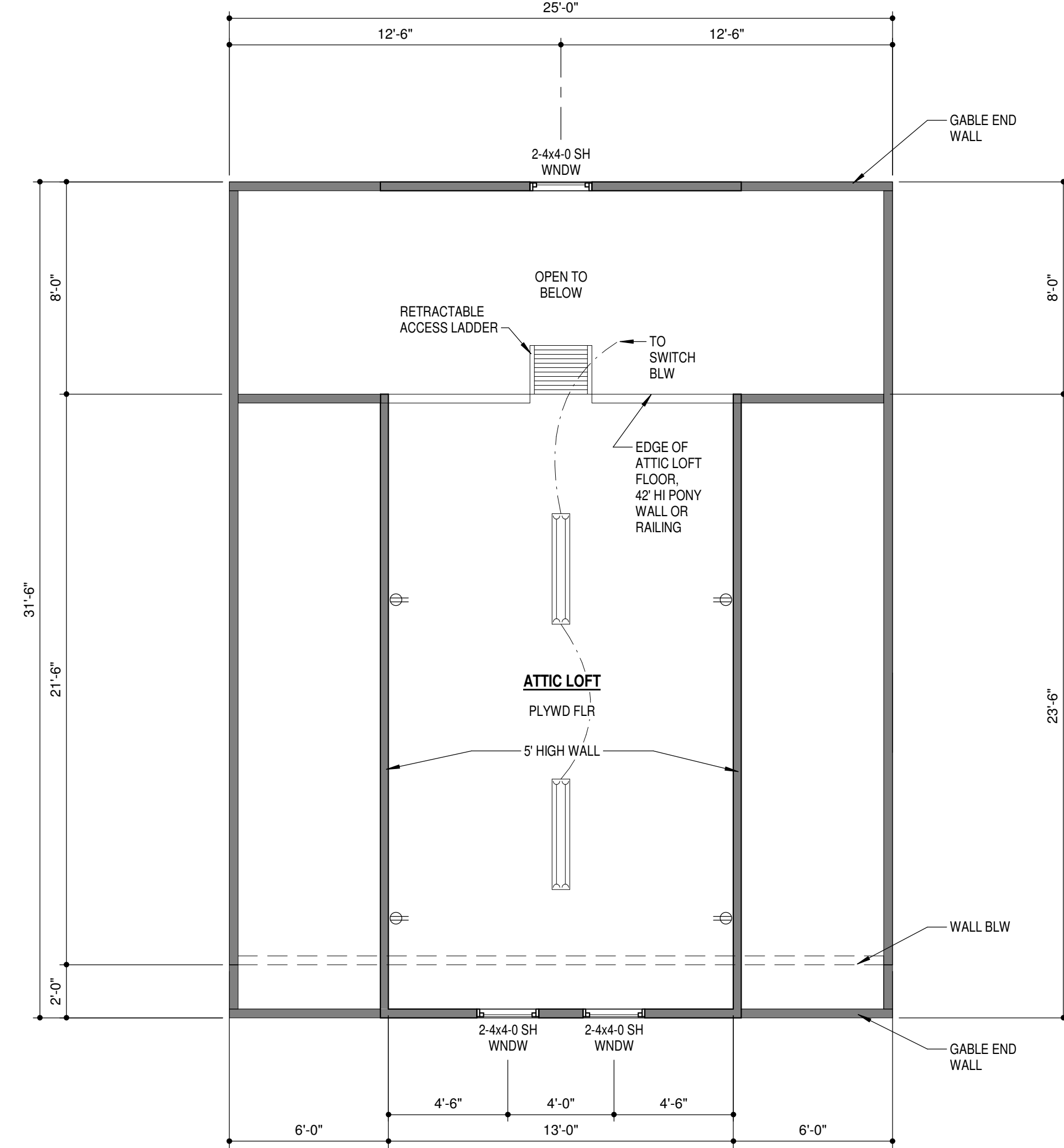
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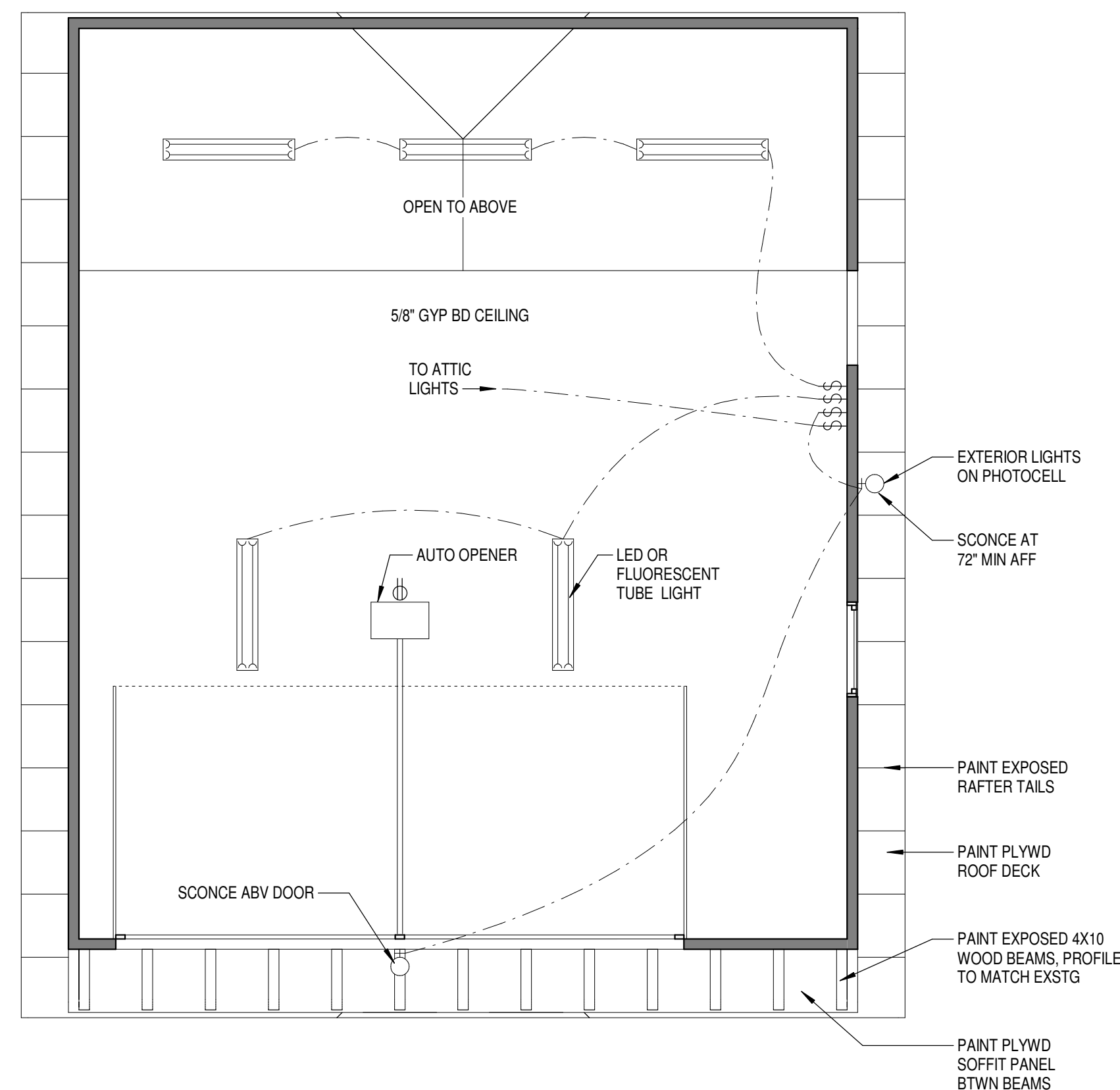
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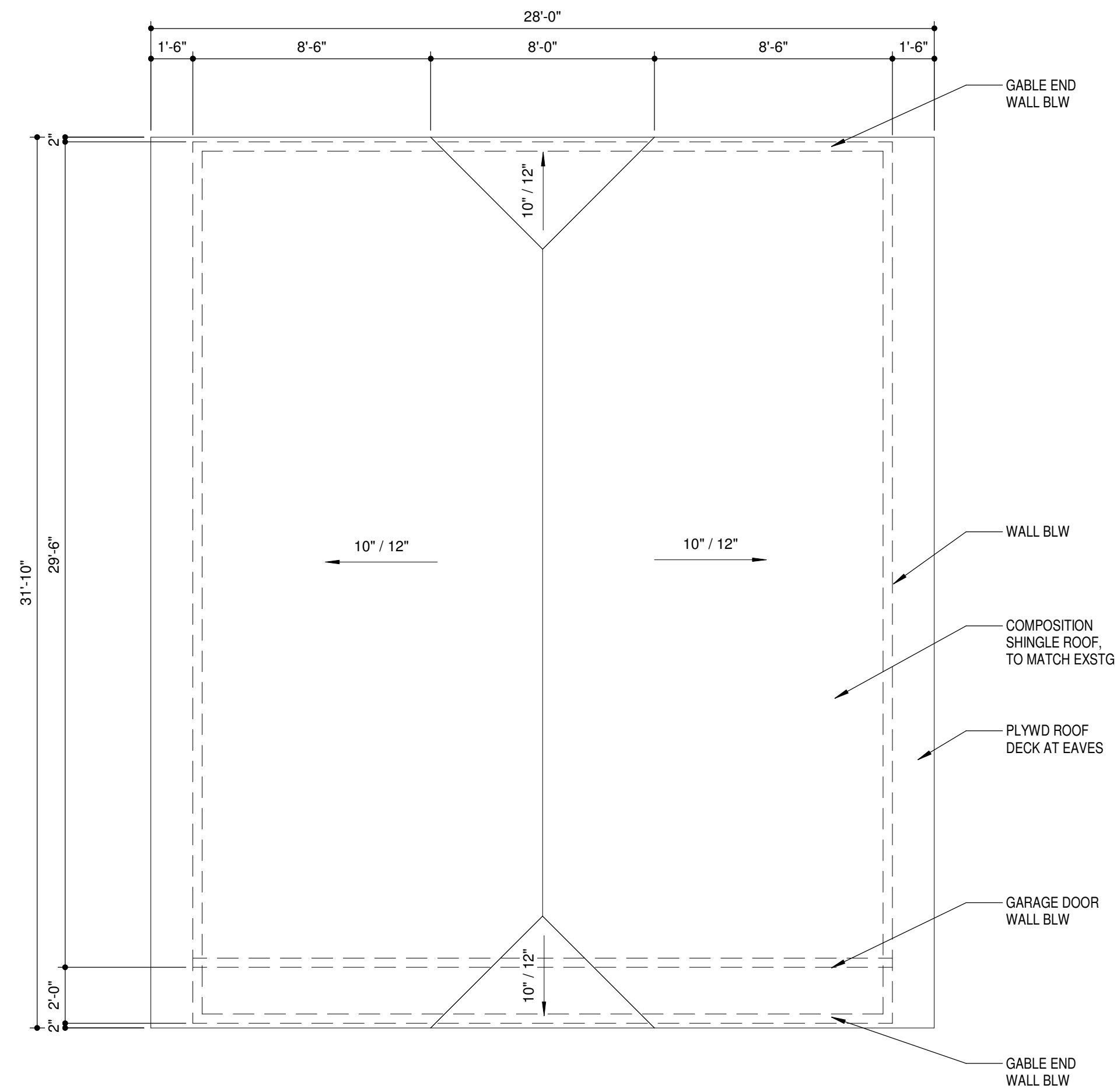
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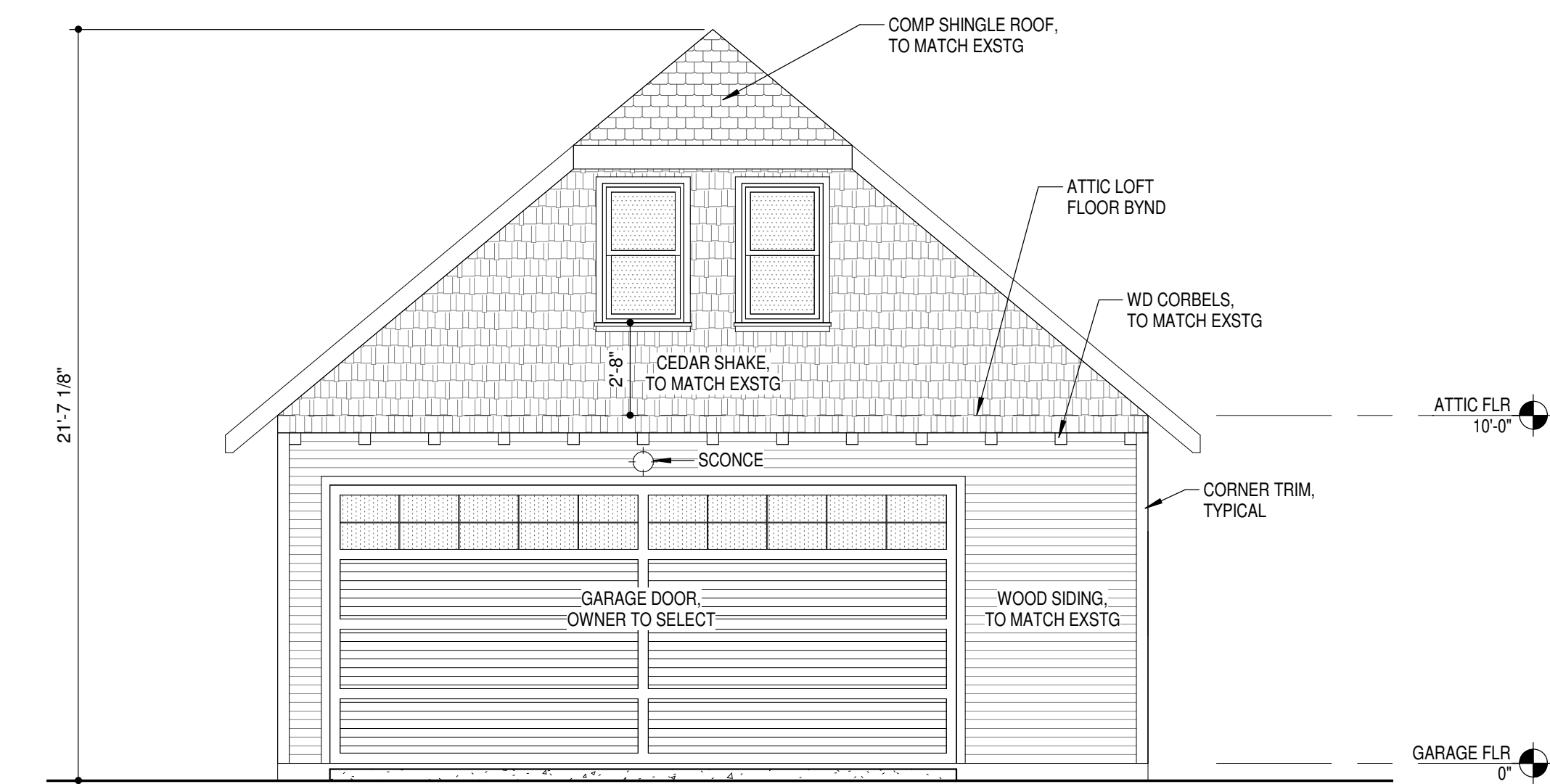
2 PROPOSED ATTIC PLAN
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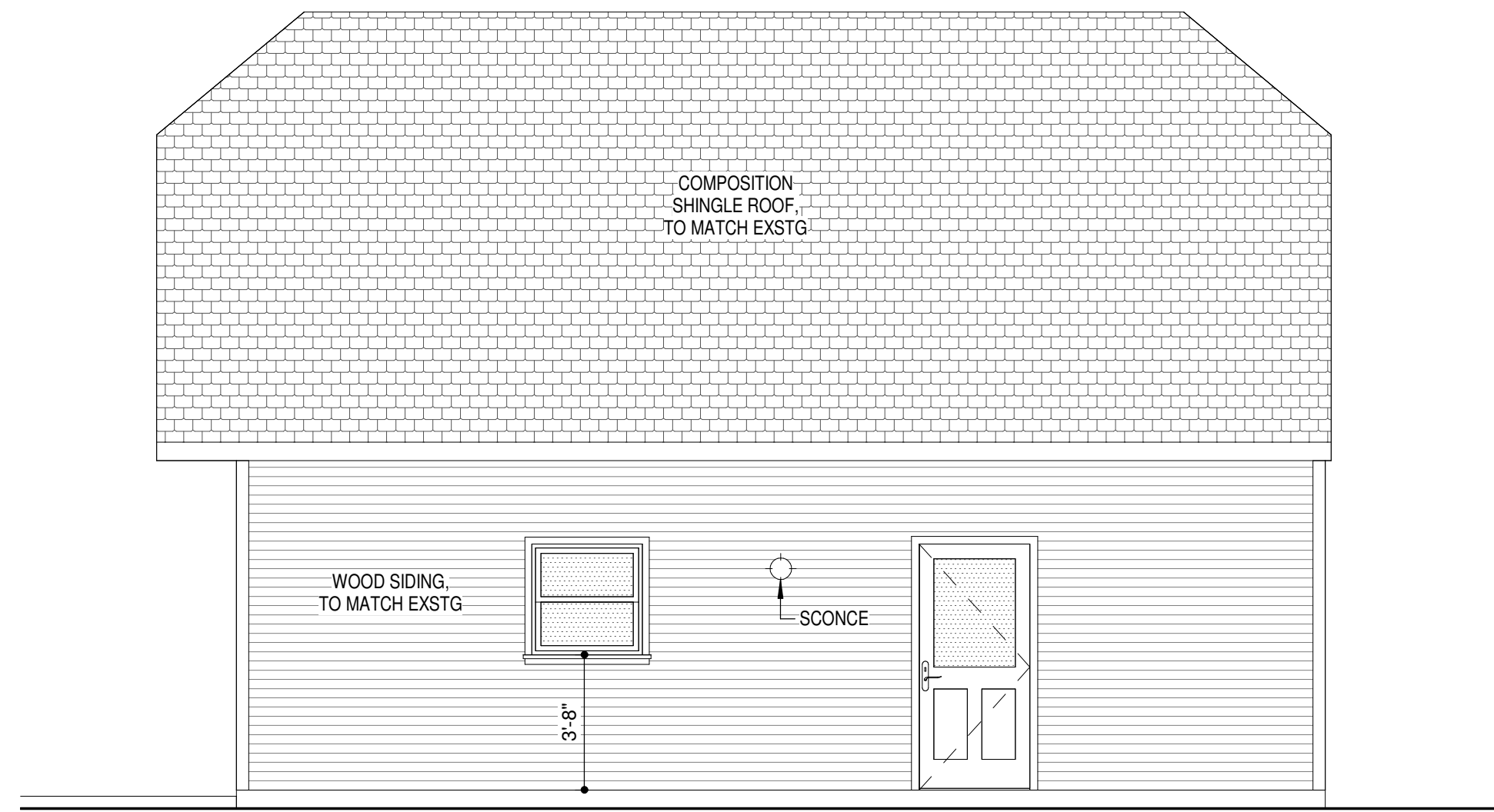
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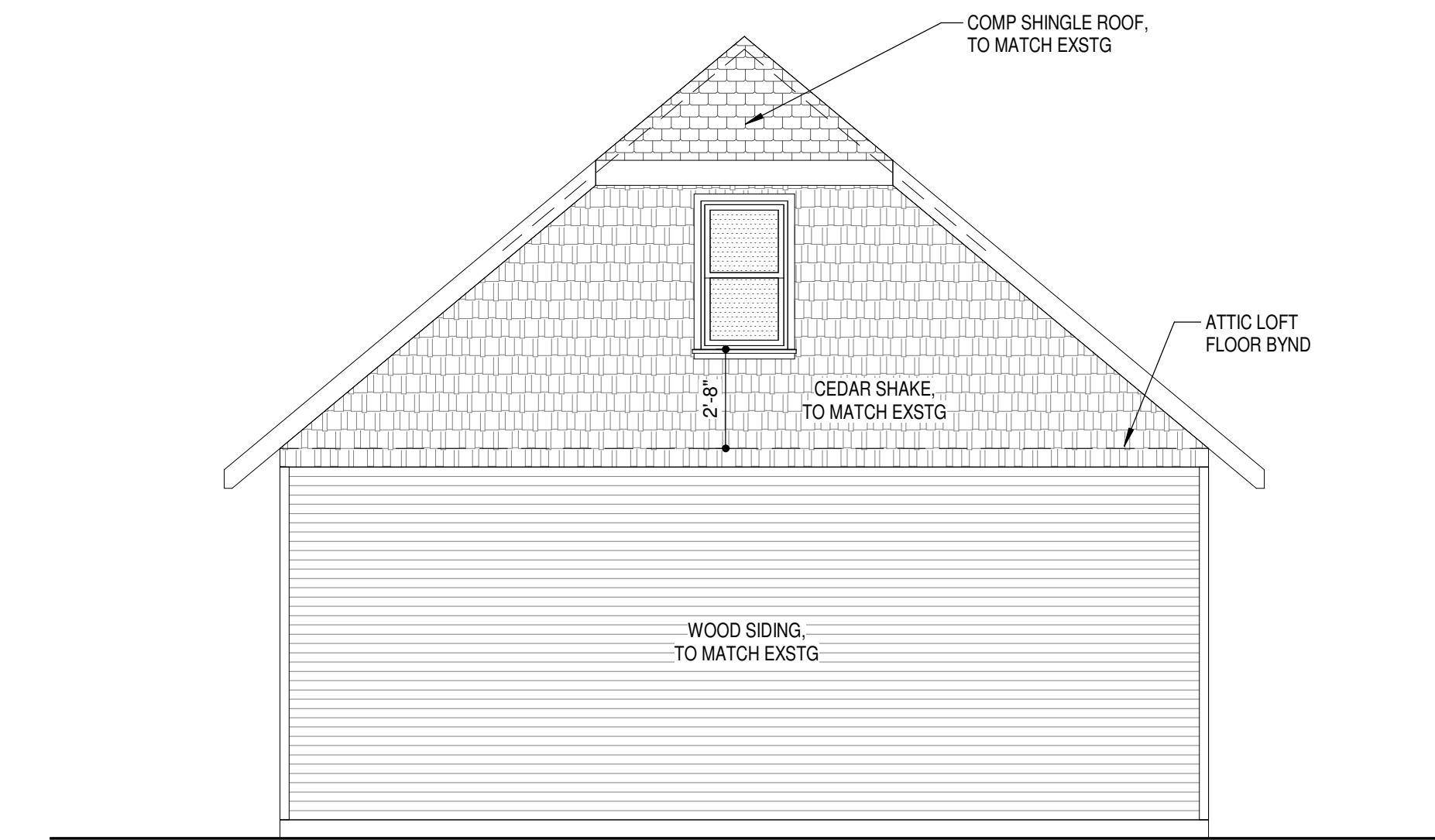
4 PROPOSED ROOF PLAN
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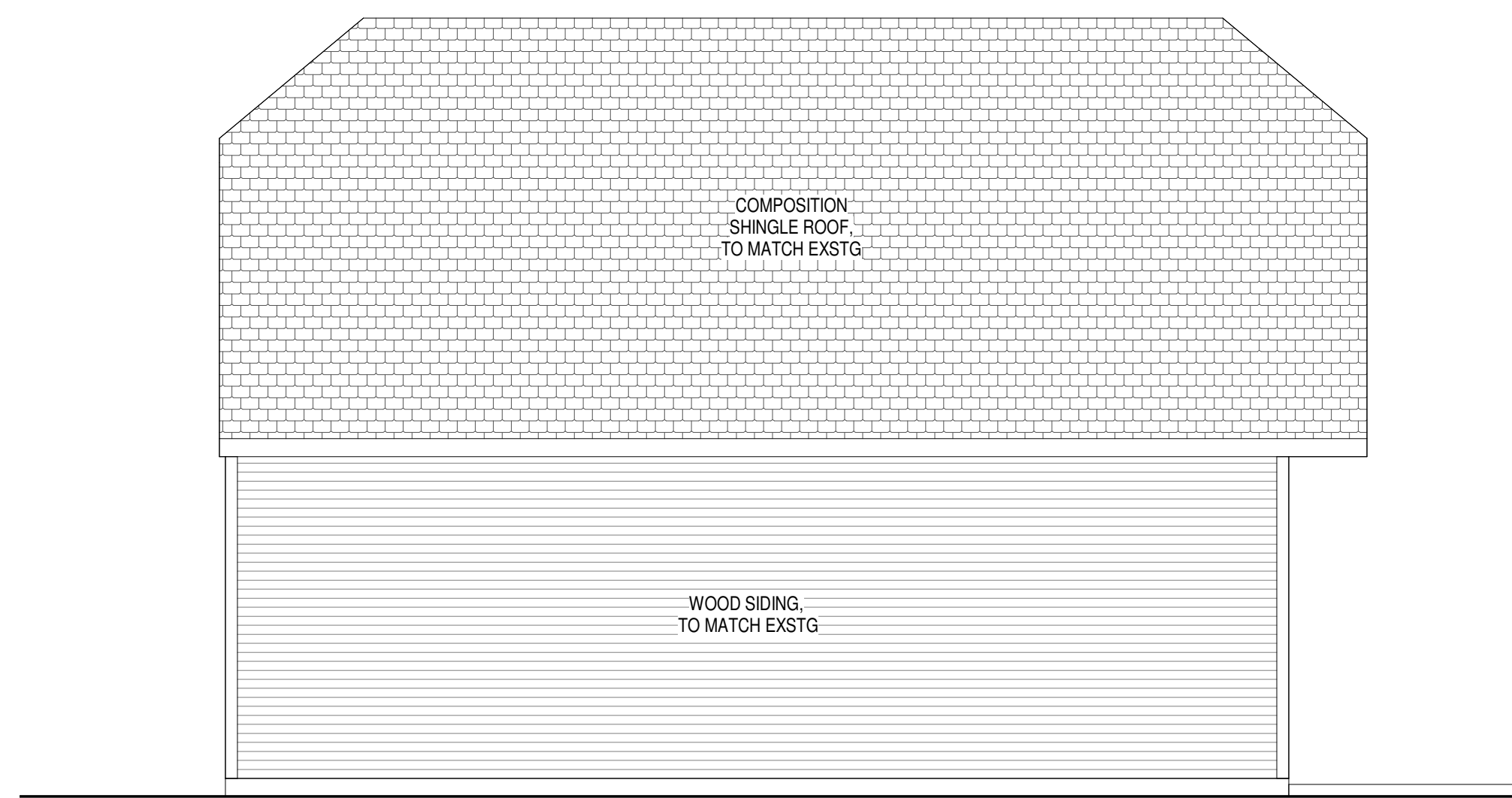
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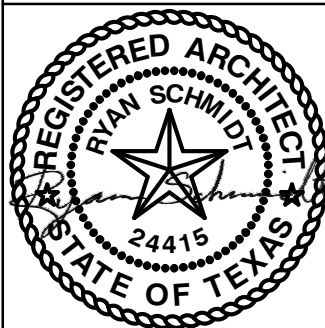
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3 REAR (EAST)
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4 LEFT SIDE (NORTH)
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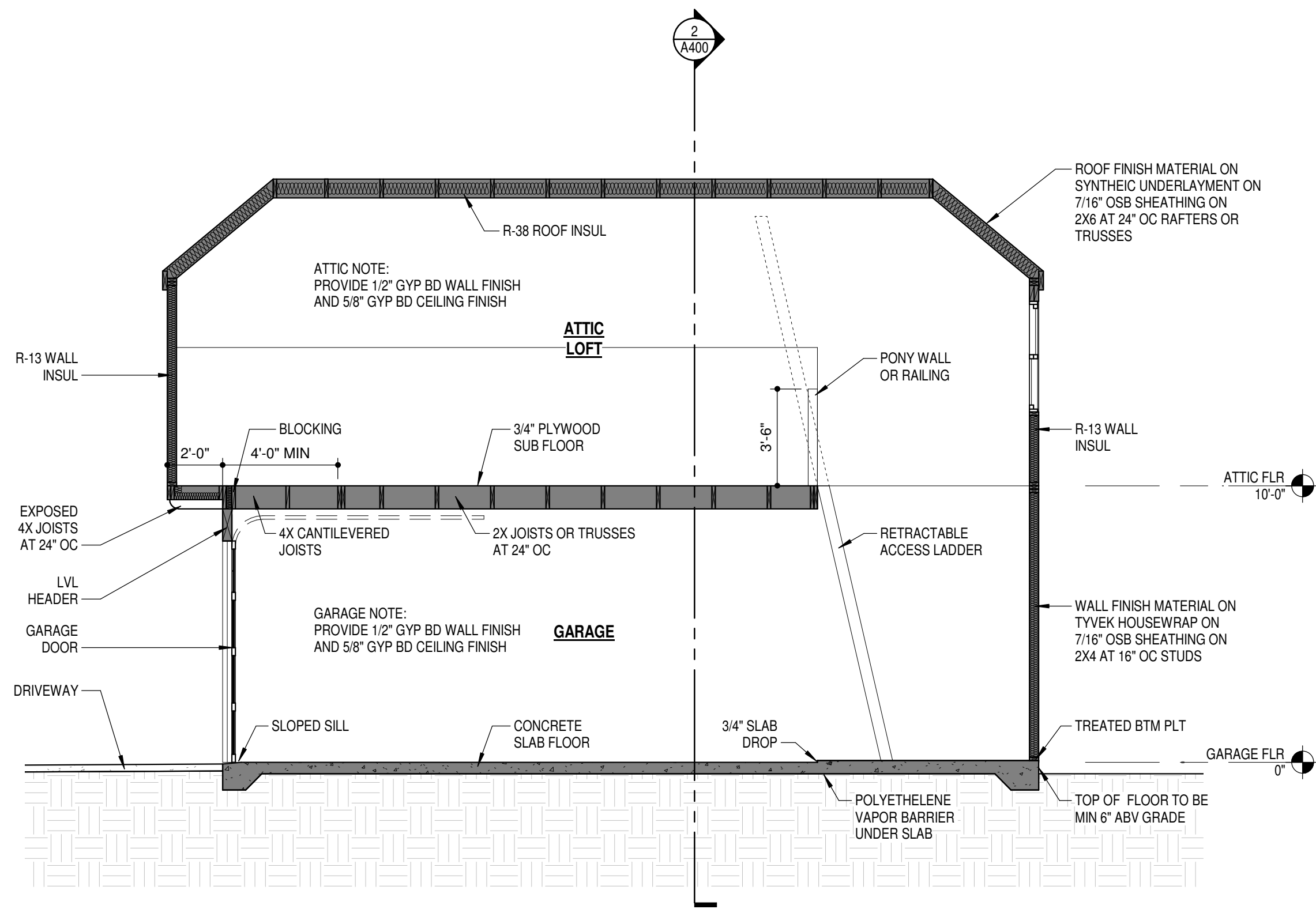


DETACHED GARAGE
403 E EVERGREEN ST, SAN ANTONIO, TX 78212

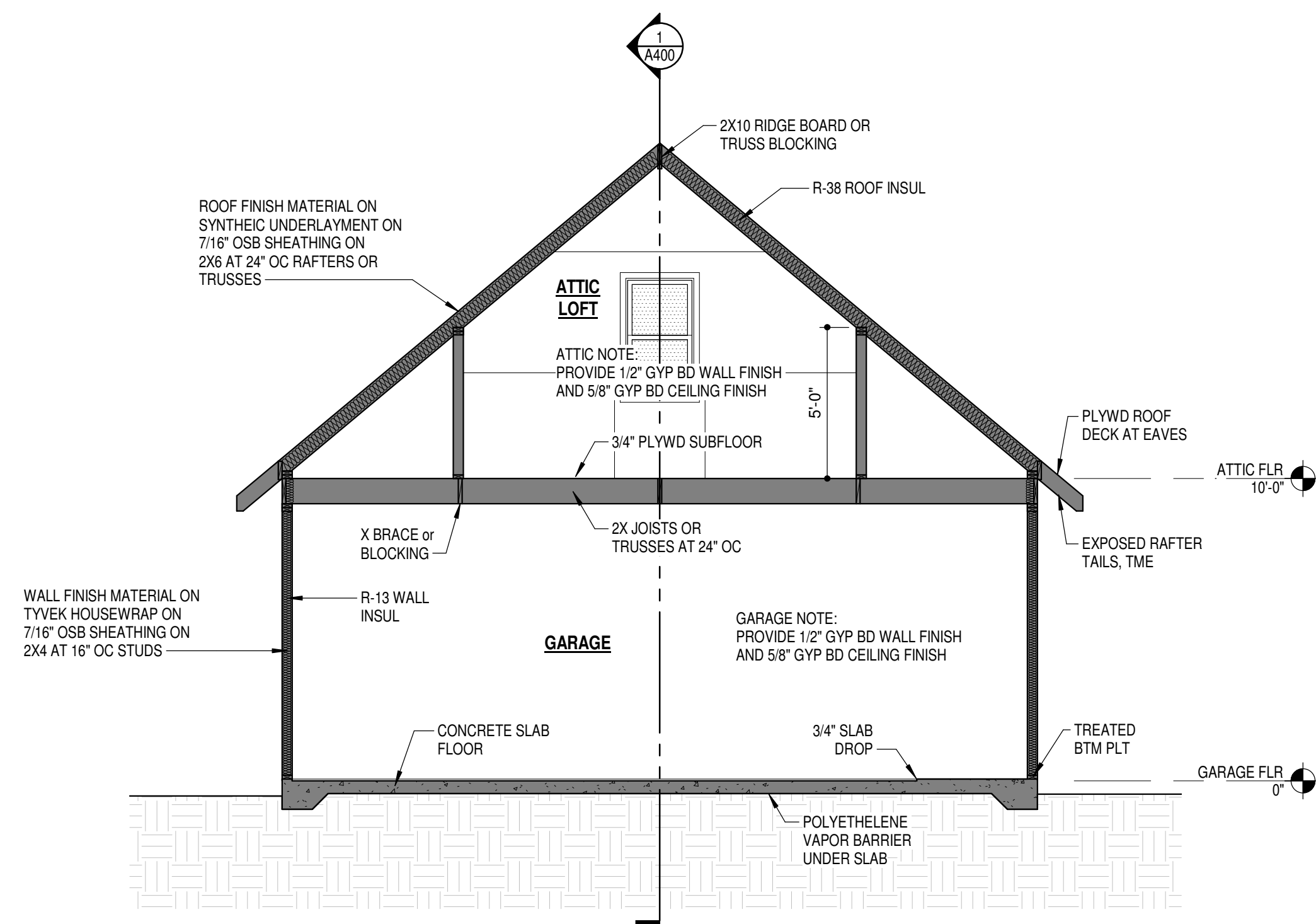
REVISIONS:

BUILDING ELEVATIONS

A300



1 LONGITUDINAL SECTION
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2 CROSS SECTION
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