



City of San Antonio

Agenda Memorandum

File Number:20-5782

Agenda Item Number: 2.

Agenda Date: 10/5/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300081
Applicant: Adam Sanchez, Christopher Gill
Owner: Johnson Faith
Council District: 2
Location: 931 Hays
Legal Description: Lot South 140 Feet of Lot 16, Block B, NCB 1654
Zoning: "R-5 H AHOD" Residential Single-Family Dignowity Hill
Historic Airport Hazard Overlay District
Case Manager: Azadeh Sagheb, Planner

Request

An appeal of the Historic Preservation Officer's decision to issue a Certificate of Appropriateness.

Executive Summary

The subject property is located at the corner of Hays Street and Muncey Street, south of the Union Pacific East Yard. In January 2019, the applicants started developing the conceptual design to build a new two-story Single-Family residence and develop a vacant lot.

On May 23, 2019, the applicant submitted an aluminum clad wood window to the Historic and Design Review Commission (HDRC) to address the stipulations of approval that included the installation of double hung, wood or aluminum clad wood windows, and received the Certificate of Appropriateness.

On January 22, 2020, during the site visit, staff noticed the installation of unapproved vinyl windows as well as other modifications to the proposed design including modifications to fenestration patterns and garage doors, and issued a Stop Work Order.

On February 5, 2020, the applicant requested the HDRC to amend the previously installed vinyl windows that got denied as they did not comply with the required specifications. The applicant again requested an amendment to maintain the denied window while installing wood windows screen to cover up the installed windows that has been denied by the Commission on July 15, 2020.

The applicant is appealing the July 15, 2020 HDRC decision and requesting to approve the currently installed vinyl window fenestration, in consideration of cost and monetary constraints. Per the Historic Design Guidelines, the installed windows should be modified and replaced by the Aluminum Clad wood window.

Code Enforcement History

There are some Code violations regarding the building finishing, plumbing permit during 2019 and early 2010 that are closed. There is a pending electrical permit violation.

Permit History

Electrical, plumbing, mechanical, and new two-story Single Family Residential with an attached garage permits processed during 2019 and 2020.

Clear Vision Review

A review of Clear Vision is not required for this request.

Applicable Code References (summarized)

UDC 35-451(a). Certificate of Appropriateness. Applications proposing work or changes to the exterior of a landmark, in a historic district or in a river improvement overlay district, shall require review for appropriateness with the provisions of this article, and any adopted design guidelines. In addition, the demolition or relocation of any structure designated historic shall also require review for appropriateness in the same manner.

UDC 35-451 and 35-481. Appeals to the Board of Adjustment. The Board of Adjustment is empowered to consider an appeal of a decision by an administrative official, in this case, the Historic Preservation Officer (HPO). The appeal must be submitted by a person aggrieved the decision. The appeal must include details regarding the incorrect interpretation made by the administrative official. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission and the report of the commission.

UDC 35-610. ...Applications shall be reviewed for consistency with the historic or district specific design guidelines adopted by city council. The application shall be reviewed for conformance to the general rules and principles contained in the guidelines. Applications should be approved if in general conformance with the guidelines but denial of an application by the city manager or the city manager's designee may be based on any inconsistency or nonconformance with the approved guidelines.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "C" Apartment District. The property rezoned by Ordinance 70785, dated December 14, 1989 to "R-2 H" Two-Family Residence Historic District. "R-2 H" Two-Family Residence Historic District converted to "RM-4 H" Residential Mixed with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001. The property zoned "RM-4 H" Residential Mixed Dignowity Hill Historic District converted by Ordinance 201212060953, dated December 6, 2012 to its current "R-5 H" Single-Family Residential Dignowity Hill District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential
South	“RM-6 H AHOD” Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District	Residential
East	“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential
West	“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Dignowity Hill plan and is identified as “Low Density Residential” in the future land use component of the plan. The subject property is within the boundaries of the Dignowity Hill Neighborhood Association.

Street Classification

Hays street is classified as a local street.

UDC 35-610 Analysis

3. Materials and Textures

- i. Complementary materials-Use materials that complement the type, color, and texture of materials traditionally found in the district. Materials should not be so dissimilar as to distract from the historic interpretation of the district. For example, corrugated metal siding would not be appropriate for a new structure in a district comprised of homes with wood siding.

STANDARD SPECIFICATIONS FOR WINDOWS IN ADDITIONS AND NEW CONSTRUCTION

Consistent with the Historic Design Guidelines, the following recommendations are made for windows to be used in new construction:

- GENERAL: Windows used in new construction should be similar in appearance to those commonly found within the district in terms of size, profile, and configuration. While no material is expressly prohibited by the Historic Design Guidelines, a high quality wood or aluminum-clad wood window product often meets the Guidelines with the stipulations listed below.

- SIZE:** Windows should feature traditional dimensions and proportions as found within the district.
- SASH:** Meeting rails must be no taller than 1.25". Stiles must be no wider than 2.25". Top and bottom sashes must be equal in size unless otherwise approved.
- DEPTH:** There should be a minimum of 2" 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. All windows should be supplied in a block frame and exclude nailing fins which limit the ability to sufficiently recess the windows.
- TRIM:** Window trim must feature traditional dimensions and architecturally appropriate casing and sloped sill detail.
- GLAZING:** Windows should feature clear glass. Low-e or reflective coatings are not recommended for replacements. The glazing should not feature faux divided lights with an interior grille. If approved to match a historic window configuration, the window should feature true, exterior muntins.
- COLOR:** Wood windows should feature a painted finish. If a clad or non-wood product is approved, white or metallic manufacturer's color is not allowed and color selection must be presented to staff.

These standards have been routinely upheld by the HDRC, and have been in use for approximately three years.

Findings:

A. At the April 03, 2019, Historic and Design Review Commission hearing, the applicant received approval to construct a new residential structure within the stipulation that wood or aluminum clad wood windows were to be installed. The applicant satisfied this stipulation by submitting an aluminum clad wood window product to OHP staff that met the required specifications regarding type, configuration and profile, and a Certificate of Appropriateness was subsequently issued, on May 23, 2019. The issued COA noted that a new application must be submitted, reviewed and approved by the HDRC, if the applicant intended to modify the approved windows (aluminum clad wood).

B. The requested vinyl windows were installed without a Certificate of Appropriateness, and are not consistent with the Historic Design Guidelines, nor are they consistent with OHP staff's Standard Specifications for Windows in New Construction. On February 05, 2020, the HDRC denied the request to amend the previously approved windows due to the installed windows not meeting the required specifications regarding appropriate dimensions, block frames, sash profiles, and bottom, top, and meeting rail profiles and dimensions.

C. The applicant submitted a subsequent request to the Historic and Design Review Commission for approval of wood window screens to cover the denied vinyl windows, which was heard at the July 15, 2020, HDRC hearing. This request was denied in part because of the inappropriate windows that do not meet the required specifications regarding appropriate dimensions, block frames, sash profiles, and bottom, top, and meeting rail profiles and dimensions.

D. Staff's recommendation throughout the review process, including hearings in 2019 and 2020 has included the installation of wood or aluminum clad wood windows which meet the standard specifications regarding appropriate dimensions, block frames, sash profiles, and bottom, top and meeting rail profiles and dimensions.

Staff Recommendation to the Board of Adjustment

Staff recommends **Denial** of the appeal. Staff recommends that the originally approved windows be installed, which feature appropriate dimensions, block frames, sash profiles, and bottom, top and meeting rail profiles and dimensions.