

HISTORIC AND DESIGN REVIEW COMMISSION

July 20, 2022

HDRC CASE NO: 2022-347
ADDRESS: 909 HAYS ST
LEGAL DESCRIPTION: NCB 1654 BLK B LOT 11
ZONING: R-5, H
CITY COUNCIL DIST.: 2
DISTRICT: Dignowity Hill Historic District
APPLICANT: Frank Telles/FT Builder Services LLC
OWNER: 3BMK1 INVESTMENTS LLC
TYPE OF WORK: Construction of a front porch, demolition of a rear accessory structure
APPLICATION RECEIVED: June 14, 2022
60-DAY REVIEW: Not applicable due to City Council Emergency Orders
CASE MANAGER: Edward Hall
REQUEST:

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

1. Demolish the existing, rear accessory structure at 909 Hays.
2. Construct a front porch.

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.

(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 prove by a preponderance of the evidence 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;

i. 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, a 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.

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.

(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 to the historic preservation officer.
- (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

Historic Design Guidelines, Chapter 2, Guidelines for Exterior Maintenance and Alterations

7. Architectural Features: Porches, Balconies, and Porte-Cocheres

A. MAINTENANCE (PRESERVATION)

- i. Existing porches, balconies, and porte-cocheres*—Preserve porches, balconies, and porte-cocheres. Do not add new porches, balconies, or porte-cocheres where not historically present.
- ii. Balusters*—Preserve existing balusters. When replacement is necessary, replace in-kind when possible or with balusters that match the originals in terms of materials, spacing, profile, dimension, finish, and height of the railing.
- iii. Floors*—Preserve original wood or concrete porch floors. Do not cover original porch floors of wood or concrete with carpet, tile, or other materials unless they were used historically.

B. ALTERATIONS (REHABILITATION, RESTORATION, AND RECONSTRUCTION)

- i. Front porches*—Refrain from enclosing front porches. Approved screen panels should be simple in design as to not change the character of the structure or the historic fabric.
- ii. Side and rear porches*—Refrain from enclosing side and rear porches, particularly when connected to the main porch or balcony. Original architectural details should not be obscured by any screening or enclosure materials. Alterations to side and rear porches should result in a space that functions, and is visually interpreted as, a porch.
- iii. Replacement*—Replace in-kind porches, balconies, porte-cocheres, and related elements, such as ceilings, floors, and columns, when such features are deteriorated beyond repair. When in-kind replacement is not feasible, the design should be compatible in scale, massing, and detail while materials should match in color, texture, dimensions, and finish.

- iv. Adding elements*—Design replacement elements, such as stairs, to be simple so as to not distract from the historic character of the building. Do not add new elements and details that create a false historic appearance.
- v. Reconstruction*—Reconstruct porches, balconies, and porte-cocheres based on accurate evidence of the original, such as photographs. If no such evidence exists, the design should be based on the architectural style of the building and historic patterns.

FINDINGS:

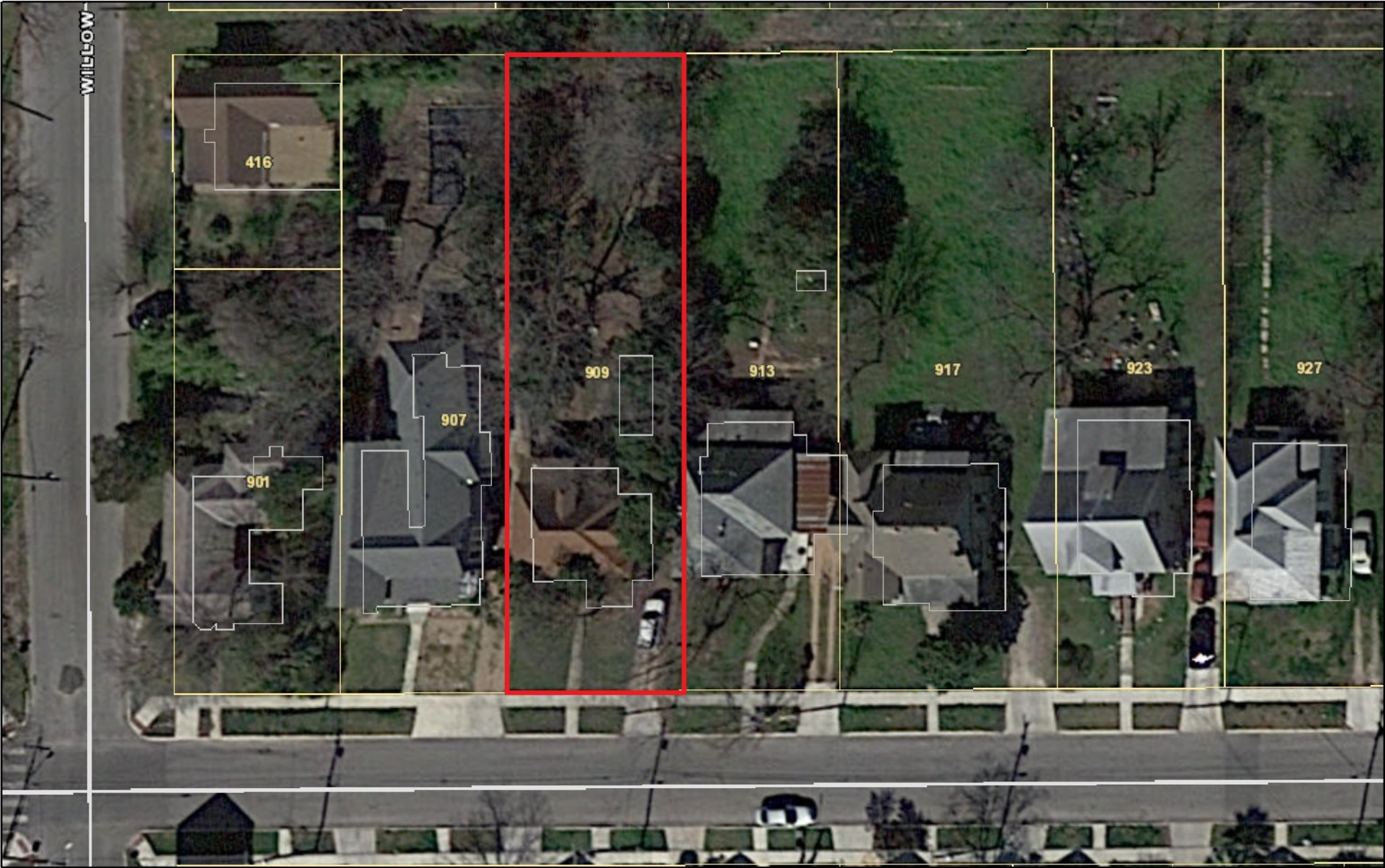
- a. The historic structure at 909 Hays was constructed circa 1905 and is first found on the 1912 Sanborn Map. The structure features Folk Victorian architectural elements and roof dormers on both the north, south and east roof slopes. The structure has been modified in various ways from its original form, including the removal of both front and rear porches, entrance elements and fenestration. At this time the applicant has proposed to demolish the existing, rear accessory structure and to construct a front porch.
- b. CONTRIBUTING STATUS – The rear accessory structure at 909 Hays was constructed circa 1955. The structure does not appear on the 1951 Sanborn Map; however, staff finds the structure to be contributing to the district due to its form and materials. While several original materials exist and the original footprint appears to be intact, the structure has been subject to deterioration and structural damage. While staff finds that the structure is deteriorating, the structure is still contributing to the Dignowity Hill Historic District.
- c. 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. The applicant has provided a cost estimate for the rehabilitation of the rear accessory structure. The applicant has noted a total cost of between \$16,000 and \$20,000. The applicant has noted a cost of \$2,700 to demolish the structure.
- d. 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. The applicant has noted dry rotten siding, a deteriorated foundation resulting in floor joists resting on the ground, and deterioration to the roofing and doors.
- e. FRONT PORCH – The applicant has proposed to construct a front porch to be in the location of a previously removed porch. The previously removed front porch featured modified columns, a result from the removal of the original porch. A 1994 survey photo shows the profile of the porch and its columns. Current photos of the structure show the outline of the porch roof's original profile.
- f. FRONT PORCH – The applicant has proposed to reconstruct the front porch based off photographs of the existing porch. The applicant has proposed to construct a gabled porch roof to feature columns and the existing, non-original brick column bases. The porch roof will feature a gabled profile. Generally, staff finds the reconstruction of the porch to be appropriate; however, staff finds that the roof profile should be hipped, as shown in the example photos in the exhibits. While the reuse of the existing brick columns bases is allowed, staff finds that a reconstruction of the porch at its original height and profile would be most appropriate. Additionally, staff finds that the proposed replacement columns should be round Doric style capital and base trim.

RECOMMENDATION:

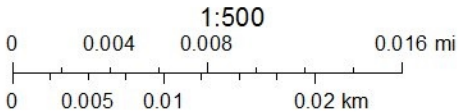
1. Staff recommends approval of item #1, the demolition of the rear accessory structure with the following stipulations:
 - i. That materials from the historic accessory structure including salvageable wood siding, rafter tails, wood elements and siding be salvaged for future use, whether it is on site at 909 Hays or not. A salvage plan is to be submitted to OHP staff for review and approval prior to the issuance of a Certificate of Appropriateness.
2. Staff recommends approval of item #2, the construction of a front porch with the following stipulations:
 - i. That the proposed porch feature a roof with a hipped profile, as noted in finding f.

- ii. That the proposed porch feature round Doric style columns with Doric style capital and base trim.
- iii. That half, wall columns be added in the locations visible in the current photos.
- iv. That final, revised construction documents be submitted to OHP staff for review and approval prior to the issuance of a Certificate of Appropriateness. A column detail should be provided to staff for review and approval.

City of San Antonio One Stop



April 1, 2022



161

162

BURLESON

Not Paved

6" W. PIPE

1367

1368

LAMAR

Not Paved

12" W. PIPE

162

WILLOW

MUNCEY

1653

1654

909

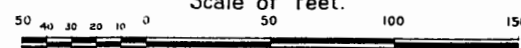
HAYS

Not Paved

148

1912 SANBORN MAP

Scale of Feet.



1951 SANBORN MAP

036 SAN ANTONIO, Vol. 2.

158

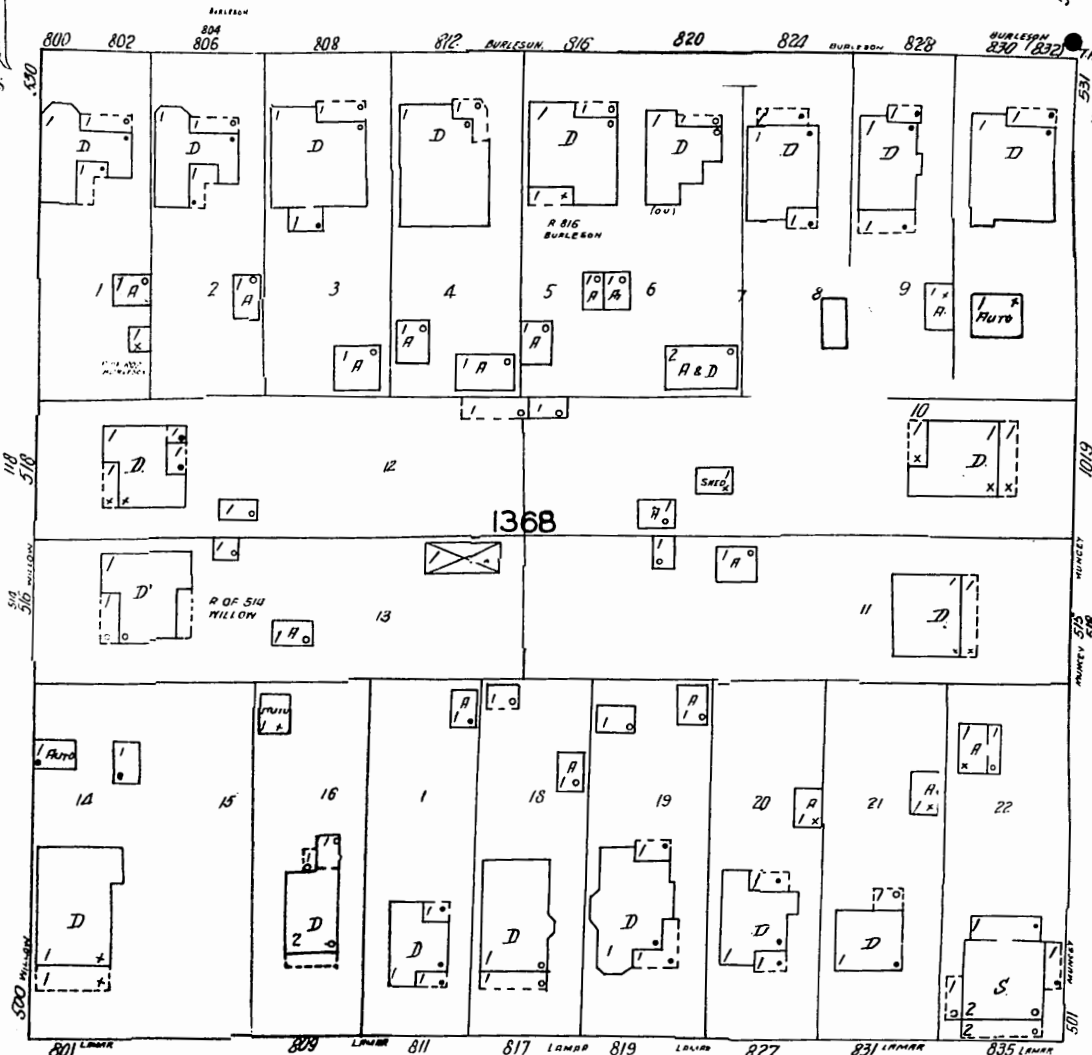
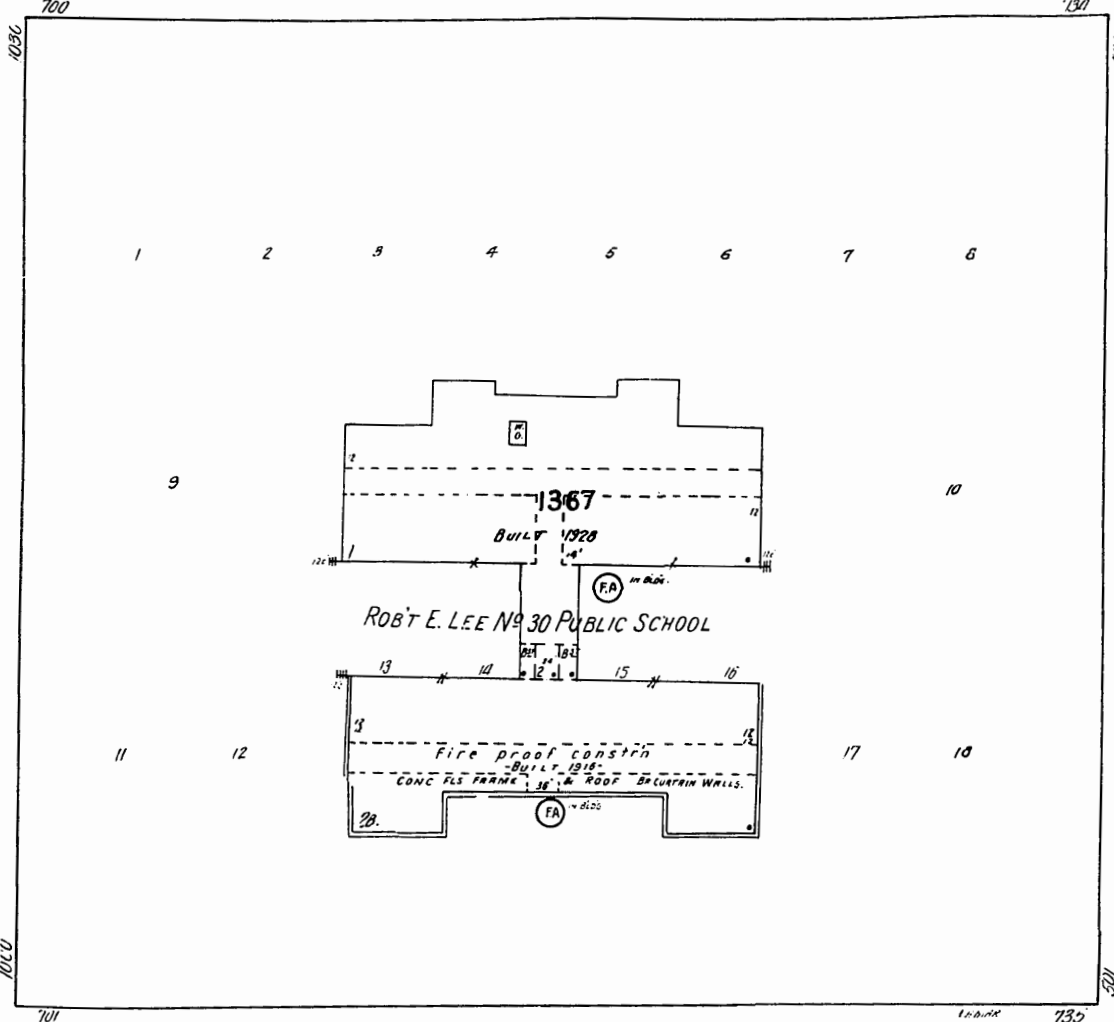


161

162

BURLESON

6" W. PIPE

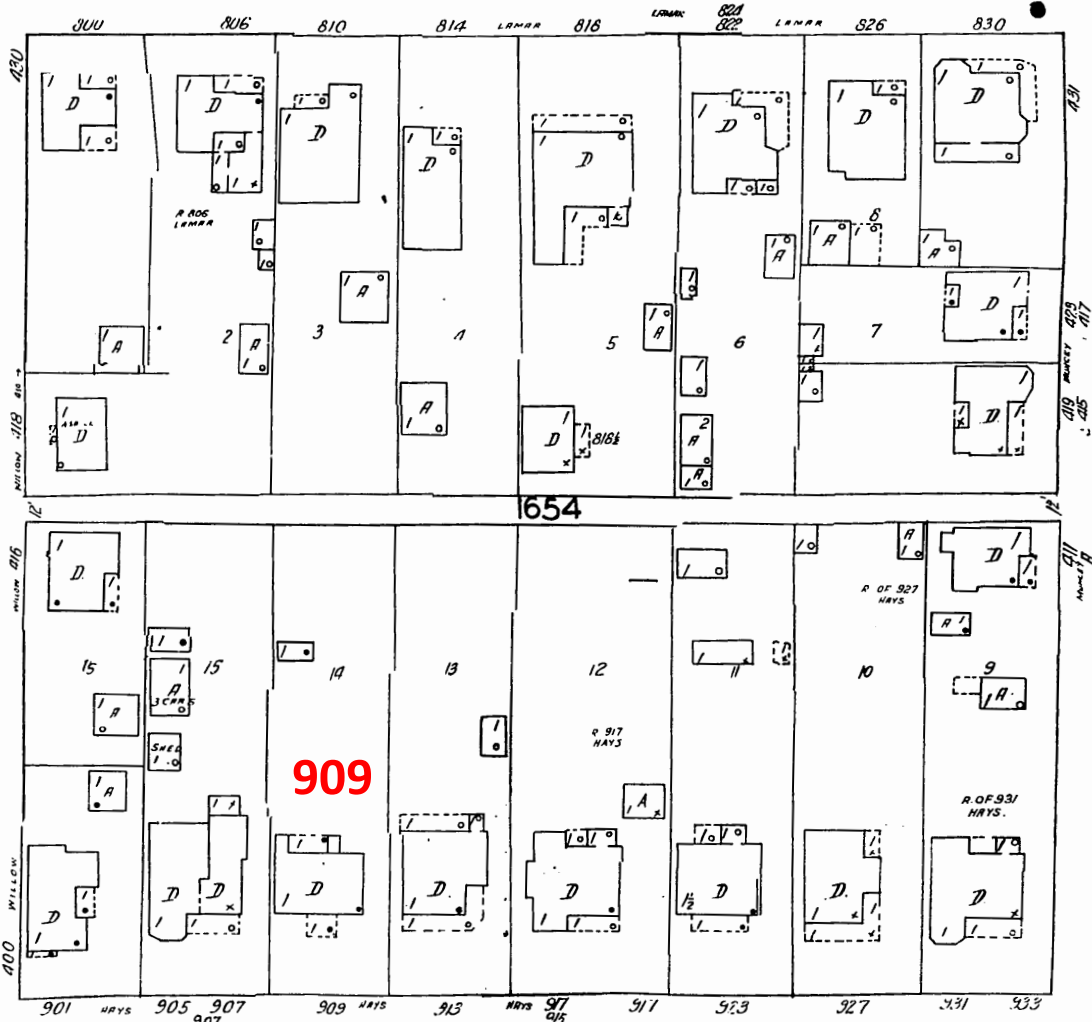
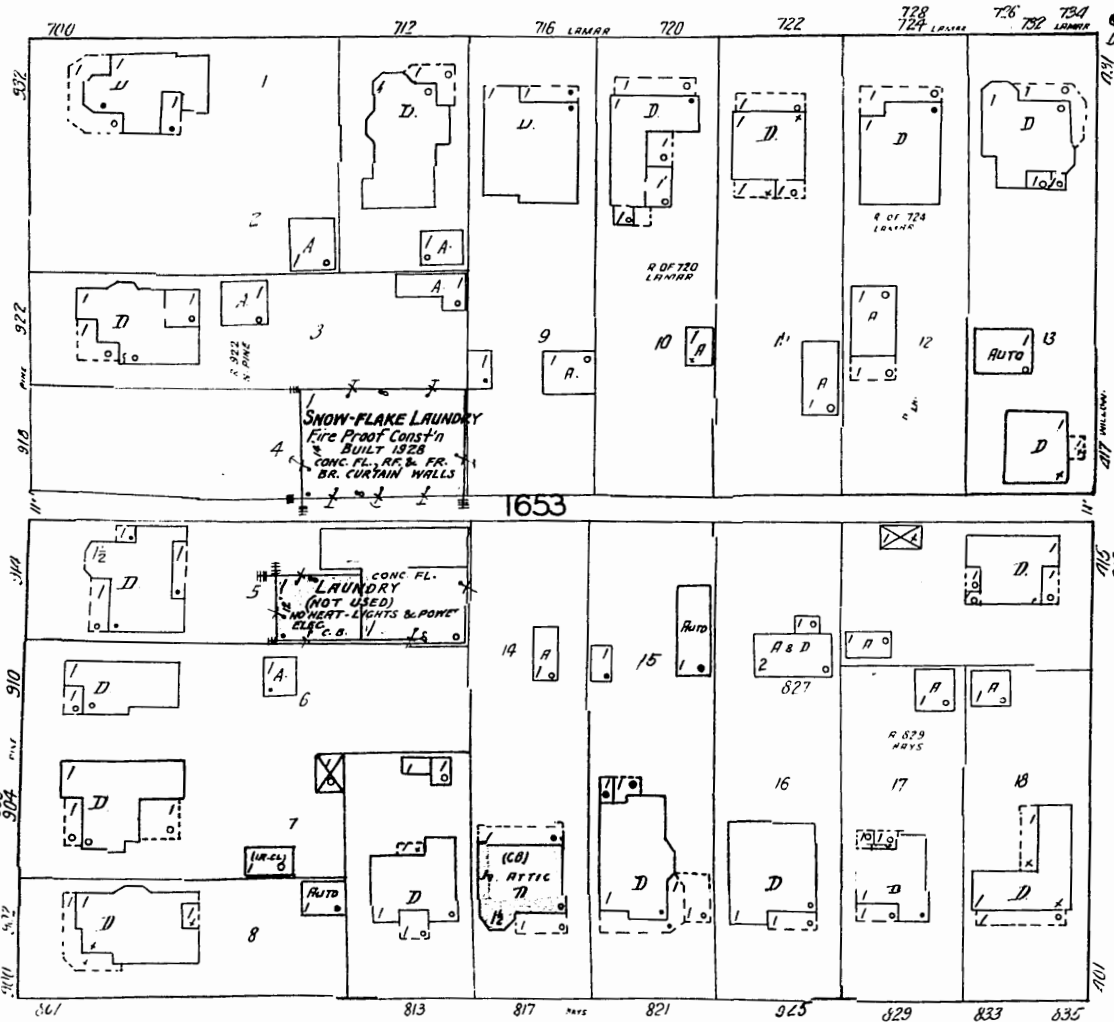


NOT PAVED

162

LAMAR

12" W. PIPE

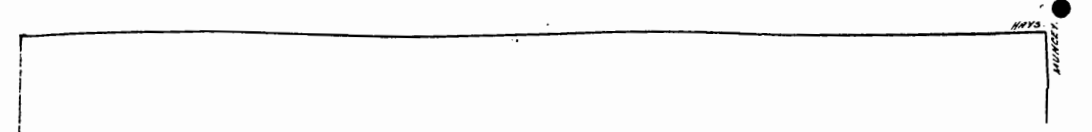
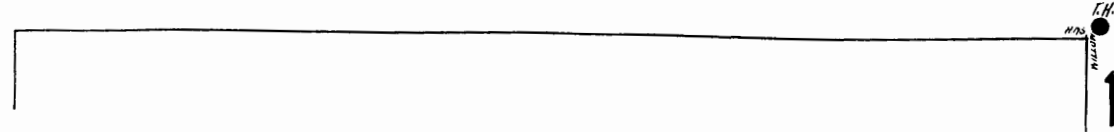


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162

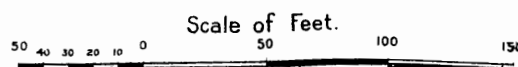
HAYS

6" W. PIPE



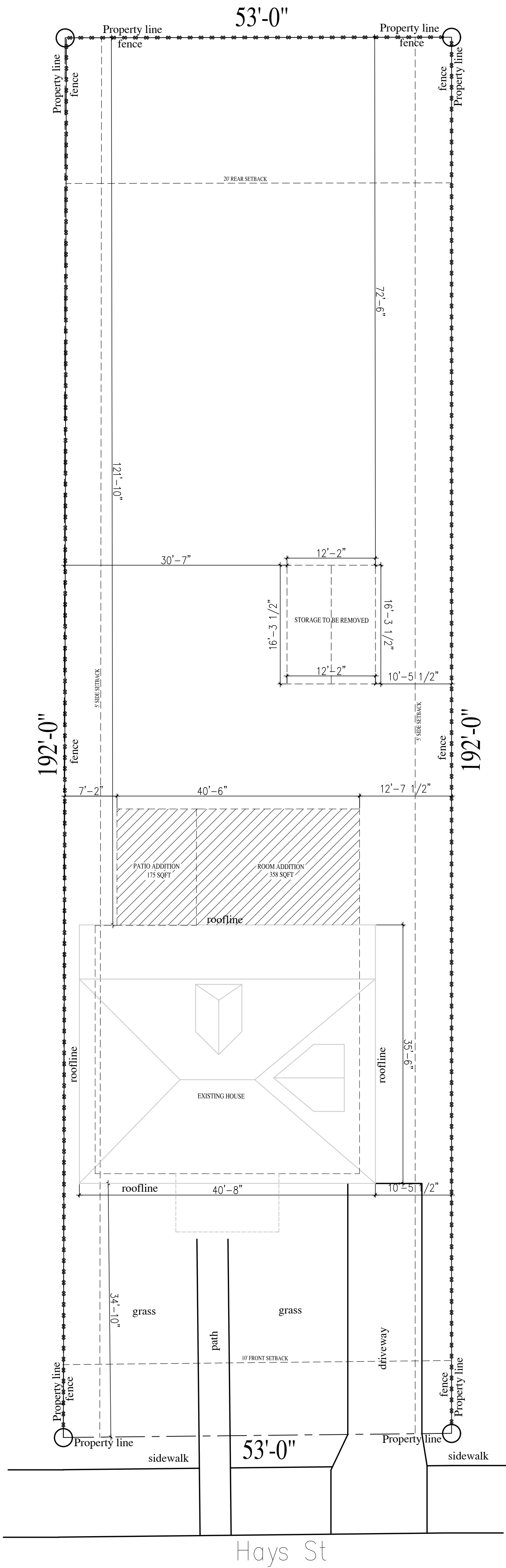
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148









SITE PLAN

909 HAYS ST

SAN ANTONIO, TX 78202

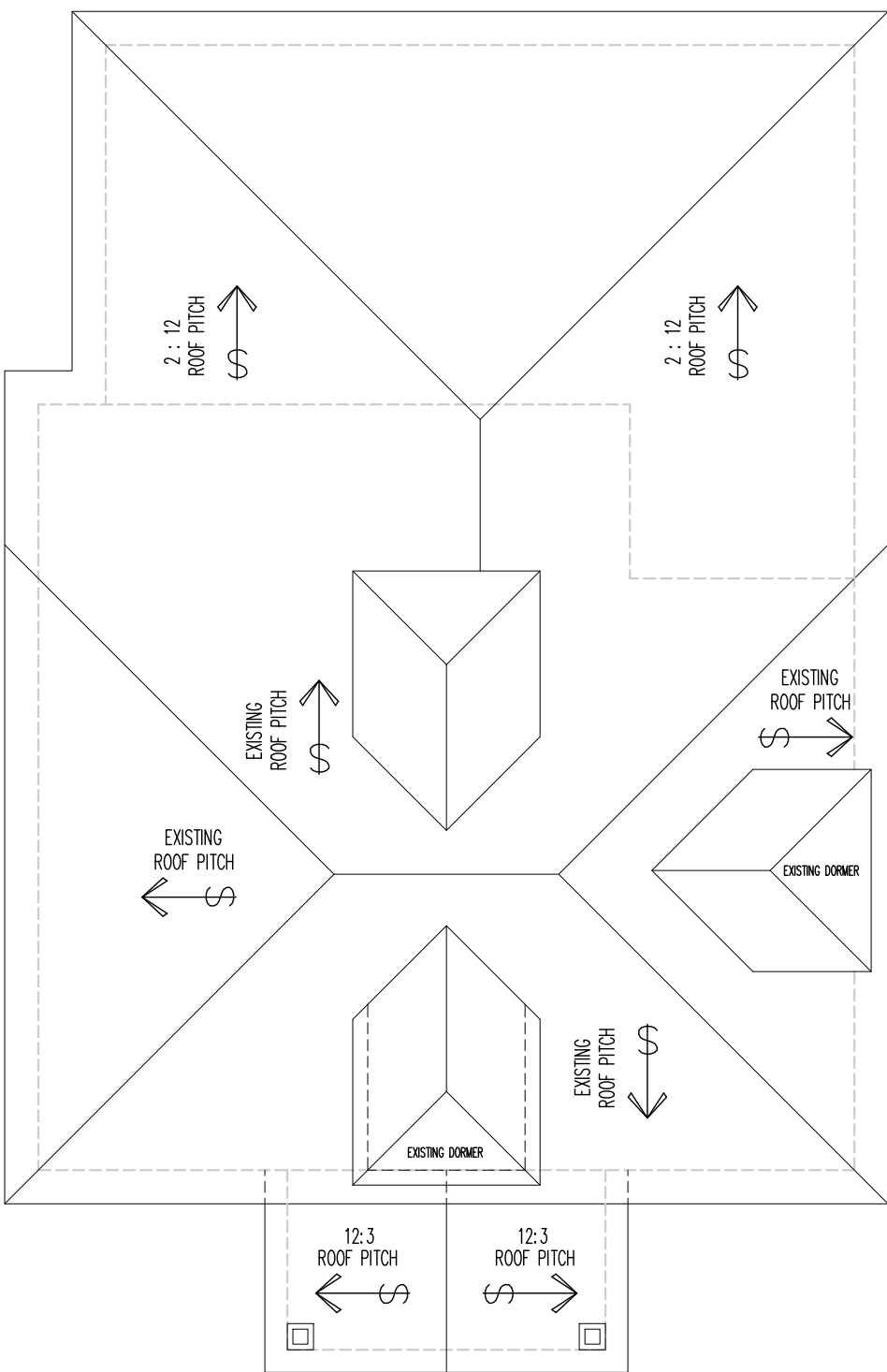
LEGAL DESCRIPTION: NCB 1654 BLK B LOT 11

ZONING: R-5

BEXAR COUNTY, TEXAS



SCALE: 1"=10'-0"



PROPOSED ROOF PLAN

SCALE: 1/8" = 1'-0" FOR 36"x24" SHEET

NOTES

909 Hays
San Antonio TX 78202
EXISTING FLOOR PLAN

PLAN NO.

SHEET

01-13-2022

[illegible]

PLAN NO.

	01-18-2022

11/11/2016



EXISTING WALLS

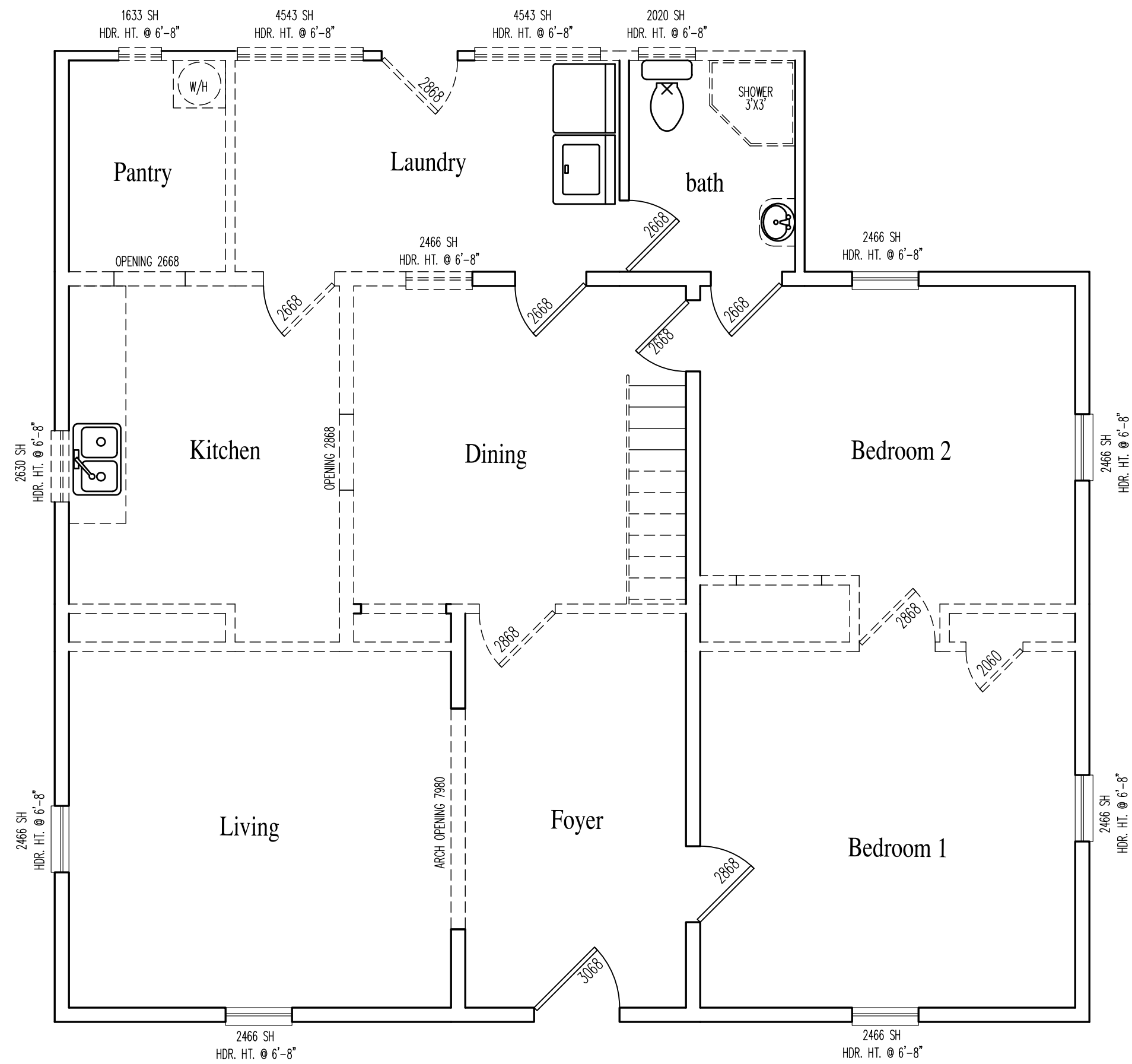
PROPOSED WALLS

FOOTAGES:	
TOTAL LIVING	2,085 SQFT
FIRST FLOOR	1,668 SQFT
SECOND FLOOR	417 SQFT
TOTAL AREAS	2,085 SQFT

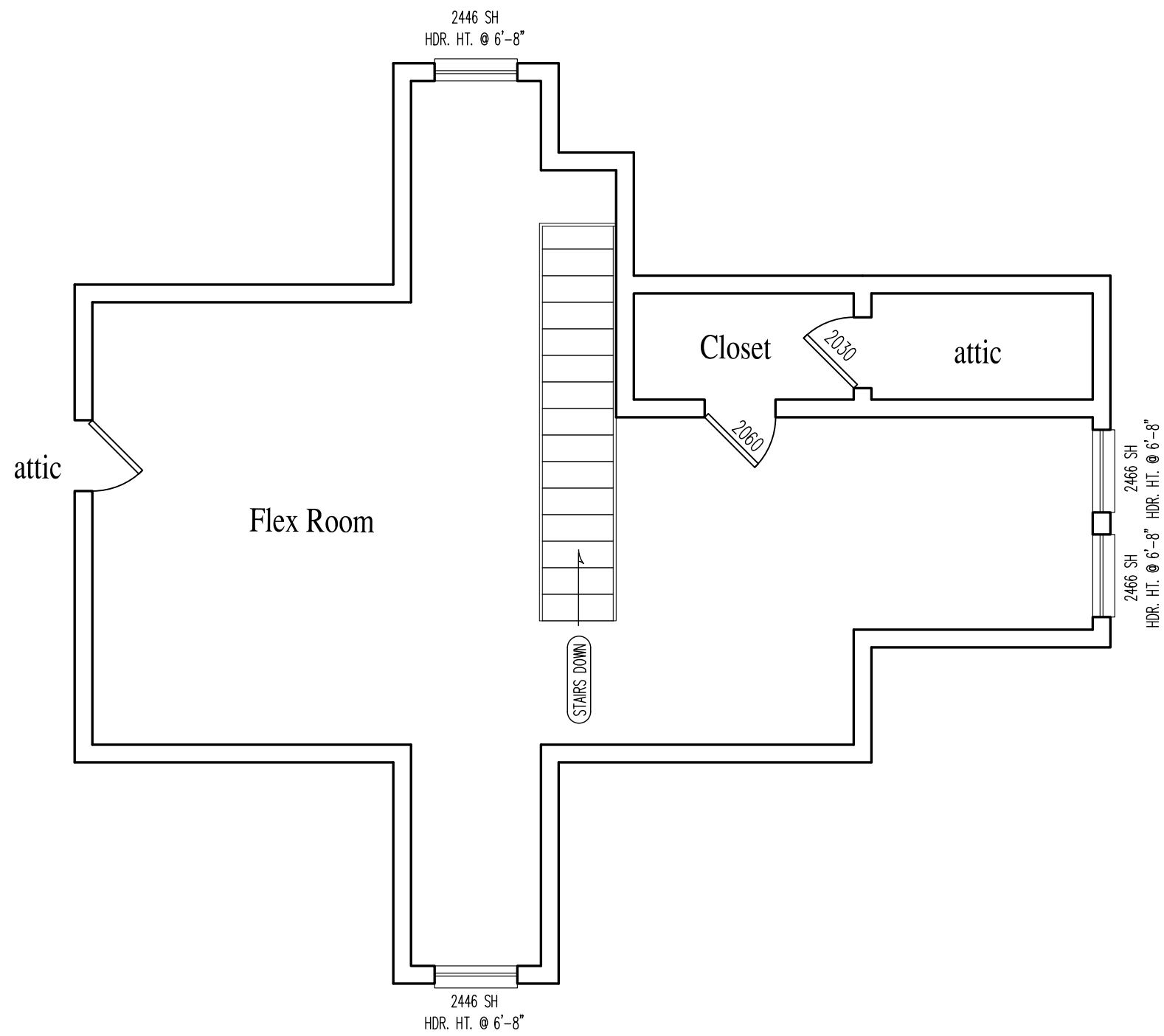
WALL LEGEND:

EXISTING WALLS
WALLS TO BE DEMO

FOOTAGES:	
TOTAL LIVING	2,085 SQFT
FIRST FLOOR	1,668 SQFT
SECOND FLOOR	417 SQFT
TOTAL AREAS	
2,085 SQFT	



DEMO FIRST FLOOR
SCALE: 1/4" = 1'-0" FOR 36"x24" SHEET



DEMO SECOND FLOOR
SCALE: 1/4" = 1'-0" FOR 36"x24" SHEET

NOTES

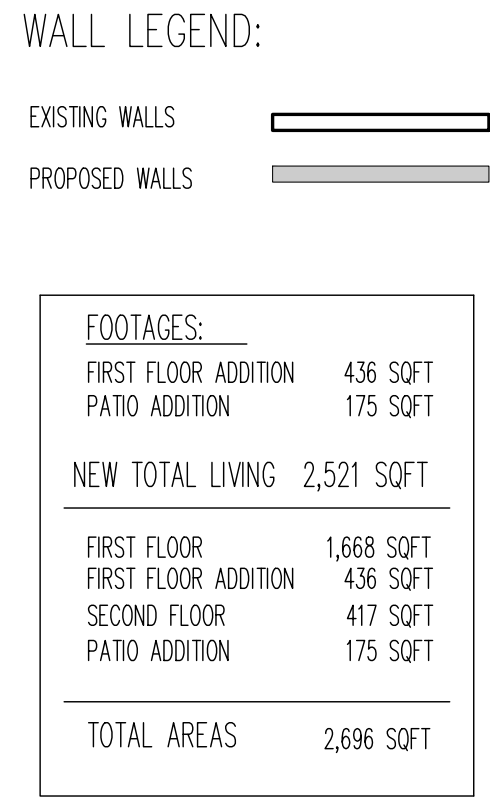
909 Hays
San Antonio TX 78202
DEMOLITION PLAN

PLAN NO.

SHEET

01-18-2022

A.3



PROPOSED FIRST FLOOR PLAN

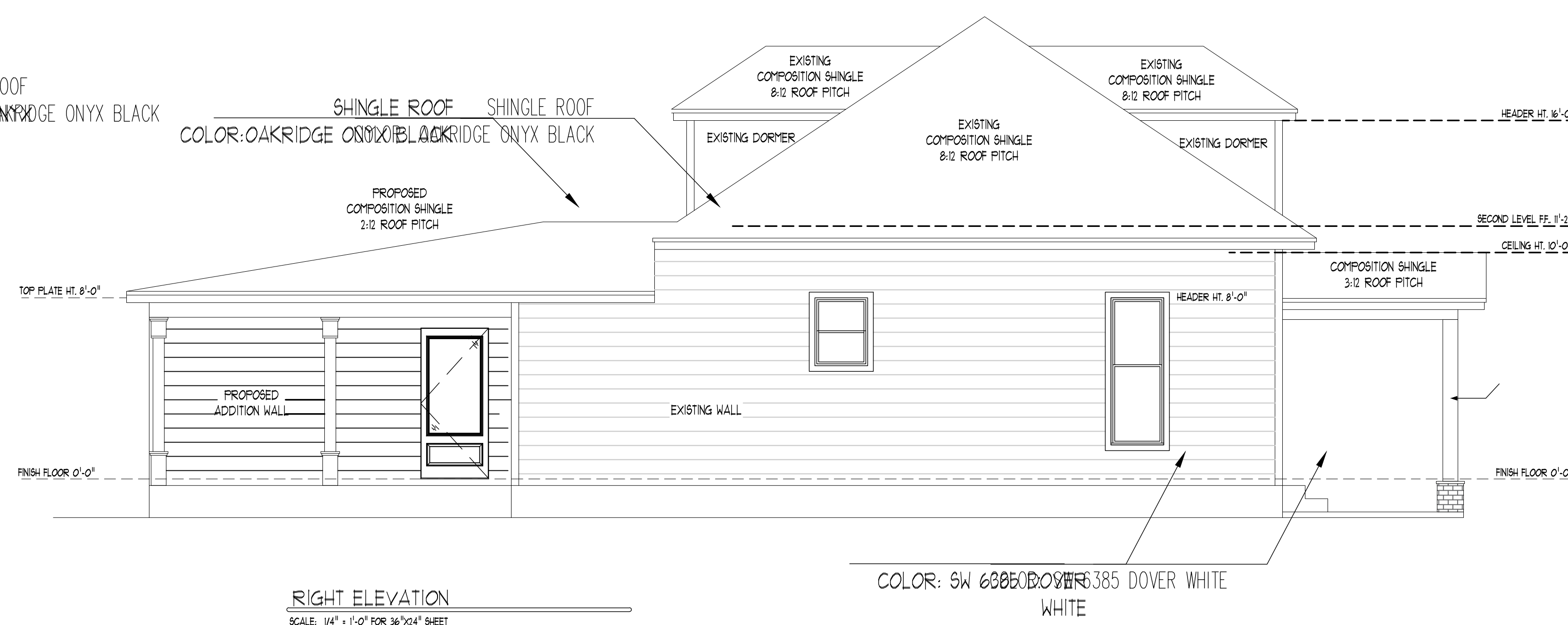
SCALE: 1/4" = 1'-0" FOR 36"x24" SHEET



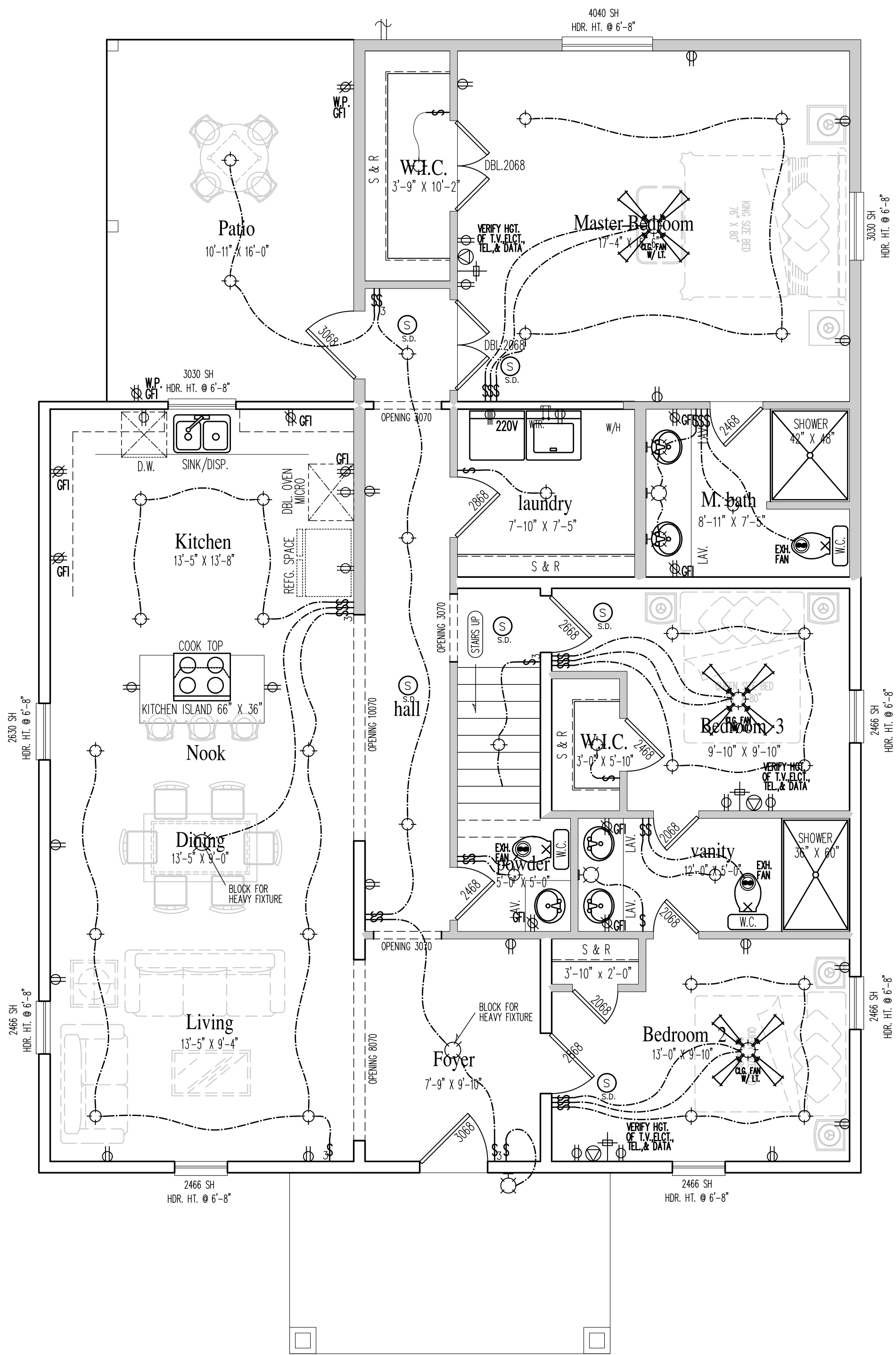
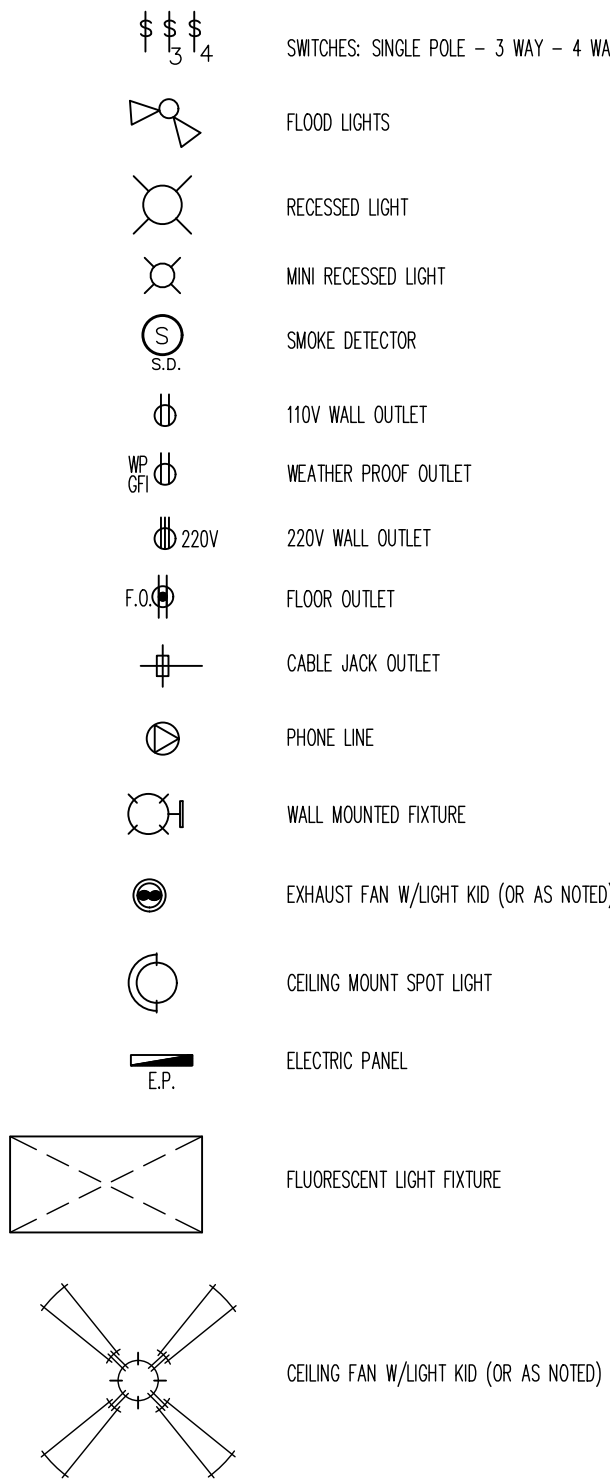
A.4

[illegible]

	05/28/2022



Electrical Legend



PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0" FOR 36"x24" SHEET

NOTE: Original windows are protected by the Historical District

WALL LEGEND:



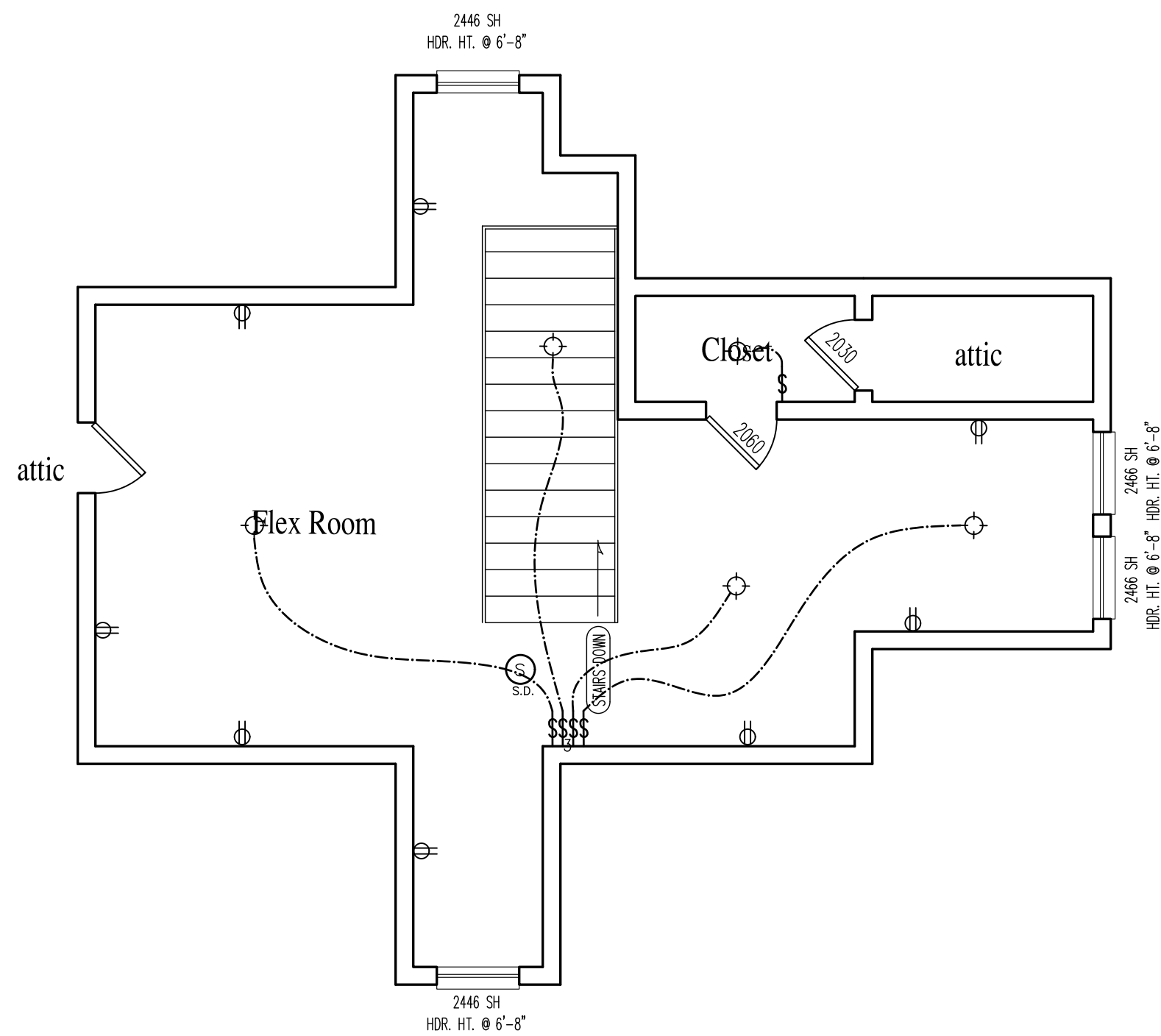
FOOTAGES:

FIRST FLOOR ADDITION 436 SQFT
PATIO ADDITION 175 SQFT

NEW TOTAL LIVING 2,521 SQFT

FIRST FLOOR 1,668 SQFT
FIRST FLOOR ADDITION 436 SQFT
SECOND FLOOR 417 SQFT
PATIO ADDITION 175 SQFT

TOTAL AREAS 2,696 SQFT



PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0" FOR 36"x24" SHEET

NOTES

909 Hays
San Antonio TX 78202
PROPOSED FLOOR PLAN

PLAN NO.

SHEET

01-18-2022

A.4

Edward Hall (OHP)

From: Ramon Dominguez <rdom55@me.com>
Sent: Tuesday, June 28, 2022 6:18 PM
To: Edward Hall (OHP)
Cc: FRANK Telles Residential Engineer telles
Subject: [EXTERNAL] 909 Hays request to demolish 10x20 detached shed

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Edward, I am the contractor working with Frank Telles. Below is a description of the condition of shed. I Believe Frank has submitted pictures already.

- All of siding is dry rotted and appears to have been missing paint for a while
- The foundation is completely on the ground and all floor joists are rotted
- The metal roof appears as if the wind had blown it over at some point and folded back into place and re nailed.
- shed doors are broken and rotted

Cost for repair in my opinion will be about \$16,000-\$20,000 and the scope of work would include demolish building and make new foundation, studded walls , new siding and paint and new metal roof. Demolishing of building only will cost \$2700 which includes a 40yd dumpster. If you have any questions please let me know

Thanks ,
Ray Dominguez
Streamline builders LLC
2108891152

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