

HISTORIC AND DESIGN REVIEW COMMISSION

August 16, 2023

HDRC CASE NO: 2023-316
ADDRESS: 509 DELAWARE
LEGAL DESCRIPTION: NCB 656 BLK W 1-2 OF 11 LOT E 149.61 FT OF 5 & 6
ZONING: IDZ-3 HL
CITY COUNCIL DIST.: 2
APPLICANT: Atiya Mitchell/Plandmark Development Services, LLC
OWNER: BRIGHT LAKES REAL ESTATE LLC
TYPE OF WORK: Removal of Historic Landmark Designation
CASE MANAGER: Charles Gentry

REQUEST:

The applicant seeks a recommendation from the Historic and Design Review Commission to remove historic designation from the property at 509 Delaware.

APPLICABLE CITATIONS:

Unified Development Code Sec. 35-606. - Designation Process Historic Landmarks.

- m. **Removal of Designation.** Upon recommendation of the historic and design review commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a designation made under subsection (a) of this section may be removed by city council following recommendation by the historic and design review commission. Requests shall be filed in accordance with section 35-421 of this chapter.

Unified Development Code Sec. 35-607. – Designation Criteria for Historic Districts and Landmarks.

- a. **Process for Considering Designation of Historic Districts and Landmarks.** Historic districts and landmarks shall be evaluated for designation using the criteria listed in subsection (b) and the criteria applied to evaluate properties for inclusion in the National Register. In order to be eligible for historic landmark designation, properties shall meet at least three (3) of the criteria listed. Historic districts shall consist of at least two (2) or more structures within a legally defined boundary that meet at least three (3) of the criteria. Additionally, all designated landmarks and districts shall demonstrate clear delineation of the legal boundaries of such designated resources.

FINDINGS:

- a. The property at 509 Delaware was designated an historic landmark by Ordinance 68210 on October 27, 1988.
- b. The current property owner submitted a request for removal of historic designation. Consistent with the UDC Sec 35-606(g), the applicant must present new and compelling evidence that the property no longer meets the criteria for landmark designation. The evidence provided by the applicant meets the threshold for designation removal; the structure found on the site at the time of designation burned in March of 2022. The Historic and Design Review Commission approved demolition of the ruins on September 7, 2022.
- c. In accordance with the UDC Sec. 35-607, Criteria for designation, staff should evaluate the property based on the criteria for designation. In 1988, the main structure was eligible for designation based on its architectural and cultural significance. If the property were evaluated today according to the UDC, it no longer meets any of the sixteen criteria listed in Sec. 35-607.

RECOMMENDATION:




Staff finds there is new and compelling evidence for removal of designation for the property based on findings b and c. Staff recommends approval of the request for removal of historic landmark designation.

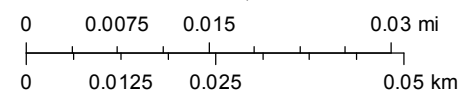
City of San Antonio One Stop



August 11, 2023

1:1,000

- | | |
|---|---|
| CoSA Addresses | Historic Landmark Sites |
|  Community Service Centers | World Heritage Buffer |
|  Pre-K Sites | Zoning Overlay Label |
|  CoSA Parcels | CoSA City Limit Boundary |
| BCAD Parcels | |



Bexar CAD

Property Search Results > 107565 BRIGHT LAKES REAL ESTATE LLC for Year 2023

Tax Year: 2023

Property

Account

Property ID:	107565	Legal Description:	NCB 656 BLK W 1/2 OF 11 LOT E 149.61 FT OF 5 & 6
Geographic ID:	00656-011-0050	Zoning:	IDZ-3
Type:	Real	Agent Code:	
Property Use Code:	088		
Property Use Description:	MISC PROPERTY USE		

Protest

Protest Status:	
Informal Date:	
Formal Date:	

Location

Address:	509 DELAWARE ST SAN ANTONIO, TX 78210	Mapsco:	617A7
Neighborhood:	NBHD code11840	Map ID:	
Neighborhood CD:	11840	E-File Eligible	

Owner

Name:	BRIGHT LAKES REAL ESTATE LLC	Owner ID:	3163679
Mailing Address:	3720 S LOOP 1604 E SAN ANTONIO, TX 78264-9512	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$1,000	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$270,980	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0

(=) Market Value:	=	\$271,980	
(-) Ag or Timber Use Value Reduction:	-	\$0	

(=) Appraised Value:	=	\$271,980	
(-) HS Cap:	-	\$0	

(=) Assessed Value:	=	\$271,980	

Taxing Jurisdiction

Owner: BRIGHT LAKES REAL ESTATE LLC

% Ownership: 100.0000000000%

Total Value: \$271,980

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax		
06	BEXAR CO RD & FLOOD	0.023668	\$271,980	\$271,980	\$64.37		
08	SA RIVER AUTH	0.018360	\$271,980	\$271,980	\$49.94		
09	ALAMO COM COLLEGE	0.149150	\$271,980	\$271,980	\$405.66		
10	UNIV HEALTH SYSTEM	0.276235	\$271,980	\$271,980	\$751.30		
11	BEXAR COUNTY	0.276331	\$271,980	\$271,980	\$751.57		
21	CITY OF SAN ANTONIO	0.541610	\$271,980	\$271,980	\$1,473.07		
57	SAN ANTONIO ISD	1.424200	\$271,980	\$271,980	\$3,873.54		
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$271,980	\$271,980	\$0.00		
SA011	San Antonio TIF #11 Inner City	0.000000	\$271,980	\$271,980	\$0.00		
Total Tax Rate:		2.709554					
Taxes w/Current Exemptions:					\$7,369.45		
Taxes w/o Exemptions:					\$7,369.45		

Improvement / Building

Improvement #1: Commercial **State Code:** F3 **Living Area:** sqft **Value:** \$1,000

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
FEN	Fence	S - A		0	150.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	MIX	Commercial Mixed Use	0.4800	20908.80	0.00	0.00	\$270,980	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2023	\$1,000	\$270,980	0	271,980	\$0	\$271,980
2022	\$4,110	\$235,640	0	239,750	\$0	\$239,750
2021	\$4,110	\$190,060	0	194,170	\$0	\$194,170
2020	\$4,110	\$189,970	0	194,080	\$0	\$194,080
2019	\$4,110	\$149,220	0	153,330	\$0	\$153,330

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/28/2020	WD	Warranty Deed	PENSHORN HARVEY G & PEGGY	BRIGHT LAKES REAL ESTATE LLC			20200045873
2		Deed	Deed		PENSHORN, HARVEY & PEGGY	5492	0682	0

**Protest status and date information current as of Aug 11 2023
2:25AM.**

**2023 and prior year appraisal data current as of Aug 4 2023
7:02AM**

**For property information, contact (210) 242-2432 or (210) 224-
8511 or email.**

For website information, contact (210) 242-2500.



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

September 21, 2022

HDRC CASE NO: 2022-389
ADDRESS: 509 DELAWARE
LEGAL DESCRIPTION: NCB 656 BLK W 1-2 OF 11 LOT E 149.61 FT OF 5 & 6
LANDMARK: Achtzehn House
APPLICANT: Thomas Glendenning/BRIGHT LAKES REAL ESTATE LLC - 509 Delaware
OWNER: Thomas Glendenning/BRIGHT LAKES REAL ESTATE LLC - 509 Delaware
TYPE OF WORK: Demolition of Historic Landmark

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to demolish the historic landmark at 509 Delaware, commonly known as the Achtzehn House.

The applicant has proposed to replace the structure with a food truck park. A proposed, conceptual site plan is included in the exhibits for this case.

FINDINGS:

- The applicant is requesting a Certificate of Appropriateness for approval to demolish the historic landmark at 509 Delaware, commonly known as the Achtzehn House.
- The historic structure at 509 Delaware was constructed in 1896 for Oswald Achtzehn, and is a single-story, brick Italianate-style residential structure. The structure was originally addressed as 201 Delaware and first appears on the 1912 Sanborn Map. The address first appears in the city directories in 1897. The structure is an individually designated landmark, and was landmarked by City Council in 1987 via City Ordinance #64540.
- CURRENT CONDITION** - The structure was heavily damaged by fire in 2022. The applicant's engineer has recommended demolition due to the extent of the structure's fire damage which has permanently damaged original components of the structure.
- DEMOLITION NOTICE** - Demolition notice postcards were mailed to properties within a 200 foot radius of the property, as required by the Unified Development Code.
- The loss of a landmark structure is an irreplaceable loss to the quality and character of San Antonio. Demolition of any contributing buildings should only occur after every attempt has been made, within reason, to successfully reuse the structure. Clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved must be presented by the applicant in order for demolition to be considered. The criteria for establishing unreasonable economic hardship are listed in UDC Section 35-614 (b) (3). The applicant must prove by a preponderance of the evidence that:

- 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;

[The applicant has provided a cost estimate of the rehabilitation of the historic structure and notes a total rehabilitation cost of \$1,097,618.00. This cost of rehabilitation includes various fees, insurance premiums, and taxes. Neither additional bids, not a third-party bid has been obtained at this time. Per Bexar County Appraisal District records, assessed value of this lot is \$239,750.]

- 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;

[The applicant has submitted a structural engineer's letter noting that the structure has been damaged to an extent that would prevent reconstruction and preservation. The letter notes that a fire has caused roofing materials to melt and brick to bulge at several locations. Additionally, the letter notes that due to the extent of the fire damage, it would be unlikely that any of the

materials could be recovered and reused.]

3. 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.

[This property is not currently listed for sale. Per Bexar County Appraisal District records, a warranty deed was filed granting Bright Lakes Real Estate, LLC, the property on February 28, 2020.]

f. Staff finds that the applicant has not fully satisfied the burden of proof requirements to demonstrate an unreasonable economic hardship, as the UDC requires all three criteria, noted above, to be met. Staff finds that the lack of active marketing of the property has prevented the applicant from meeting the requirements to prove an unreasonable economic hardship.

g. 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. Due to the extent of damage caused by the fire, as outlined in the engineer's assessment, staff finds that an irreversible loss of significance is warranted.

h. REPLACEMENT PLANS – The applicant has proposed to install a food truck park and has provided a site plan noting the construction of buildings, dumpster locations and outdoor seating. Generally, staff finds a commercial structure on site would be appropriate; however, staff finds that additional information should be provided, such as information regarding site paving, on-site parking and building setbacks from the right of way.

RECOMMENDATION:

Staff does not find that the applicant has met the burden of proof requirements for economic hardship, as noted in finding f; however, staff finds that a loss of architectural significance has occurred.

Should the Historic and Design Review Commission find an unreasonable economic hardship or concur that a loss of significance not caused directly or indirectly by the owner has occurred, as noted in finding g, and recommend approval of the demolition of this structure, staff recommends the following:

- i. That the applicant submit a detailed salvage plan for existing architectural materials. If brick is found to be structurally unsound, staff recommends the applicant consider its reuse for site and paving elements.
- ii. That the applicant submit further developed architectural documents for the proposed replacement food truck park.

COMMISSION ACTION:

Approved with staff's stipulations.



Shanon Shea Miller
Historic Preservation Officer



Site where historical landmark building was located. Building has been cleared.



View from the corner of Delaware and Hoefgen Ave.



REZONIFICACIÓN

CASO # Z-2023-10700179

CONTACTO # Adolfo (210) 207-5407

MOTIVO DE "IDZ-3" PARA "IDZ-3 H"
"C-3" Commercial agregando parque de
Motocicletas - Bicycles vehículos recreativos
vehículos recreativos historicos - historic



www.sanantonio.gov/DSD/Boards/Zoning
CIUDAD DE SAN ANTONIO
DEPARTAMENTO DE SERVICIOS DE DESARROLLO