

HISTORIC AND DESIGN REVIEW COMMISSION

September 21, 2022

HDRC CASE NO: 2022-446
ADDRESS: 502 SHERMAN ST
LEGAL DESCRIPTION: NCB 515 BLK 17 LOT N 104 FT OF 13
ZONING: R-6, H
CITY COUNCIL DIST.: 2
DISTRICT: Dignowity Hill Historic District
APPLICANT: Rogelio Fuentes
OWNER: ARAGON CANAVAN LP
TYPE OF WORK: Demolition of a rear accessory structure
APPLICATION RECEIVED: August 19, 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 demolish the exiting, rear accessory structure at 502 Sherman, located within the Dignowity Hill Historic District.

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

FINDINGS:

- a. The applicant is requesting a Certificate of Appropriateness for approval to demolish the exiting, rear accessory structure at 502 Sherman, located within the Dignowity Hill Historic District.
- b. CONTRIBUTING STATUS – The rear accessory structure at 502 Sherman was constructed circa 1930. The structure first appears on the 1951 Sanborn Map and is contributing to the Dignowity Hill Historic District. Several of the structure's original materials exist; however, the structure has been subject to structural damage and deterioration. The structure does feature modifications to its original profile, including fenestration additions and modifications and siding modifications.
- 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

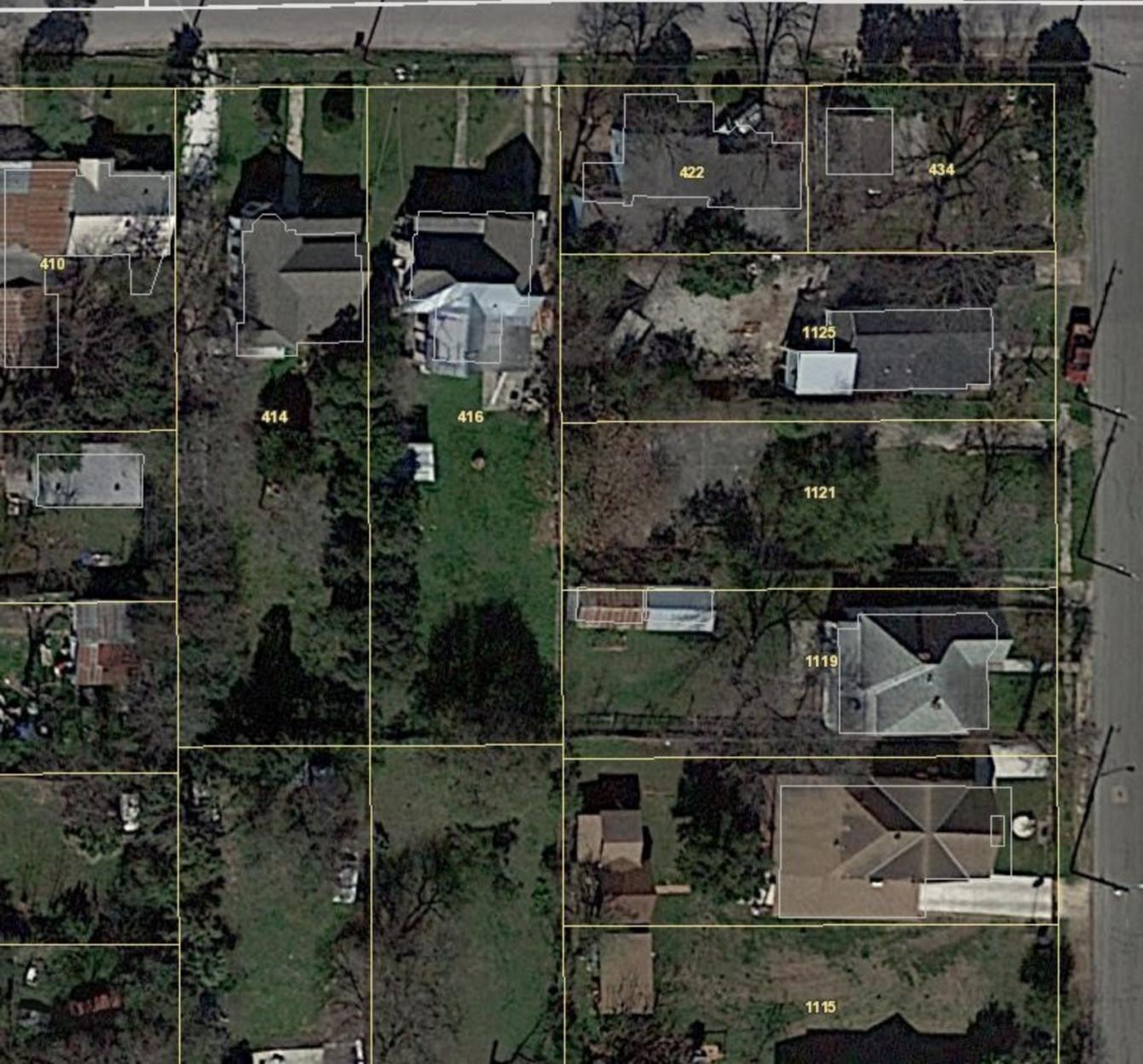
unreasonable economic hardship to be met, the owner must provide sufficient evidence for the HDRC to support a finding in favor of demolition. The applicant has provided a cost estimate for the rehabilitation of the rear accessory structure, and has noted a total cost of \$22,700. Structural elements of the estimated cost of rehabilitation total to \$19,500.

- 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. OHP staff performed site visits on June 8, 2022, and August 16, 2022. OHP staff found the structure’s foundation, roof, and framing to be in disrepair.
- e. **MATERIAL SALVAGE** – The applicant has noted the salvage of materials from this structure. Staff finds the salvage of materials to be appropriate. Staff finds that framing lumber should also be salvaged.

RECOMMENDATION:

Staff recommends approval based on findings c and d with the following stipulations:

- i. That siding, framing lumber, roofing panels and window sashes be salvaged for reuse, whether on site or elsewhere.

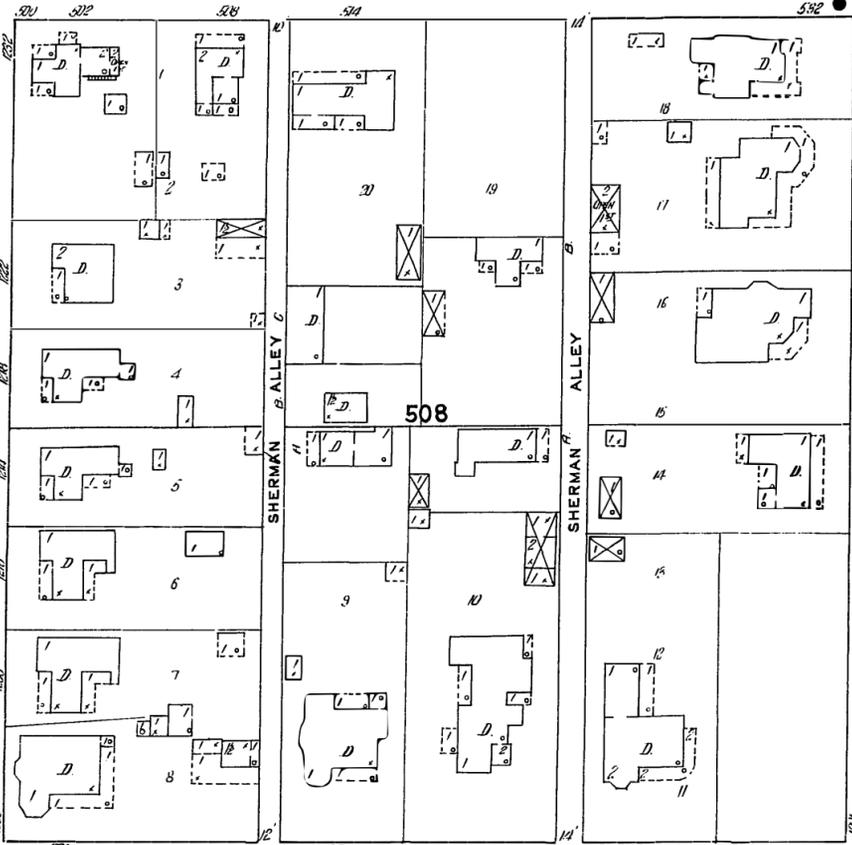


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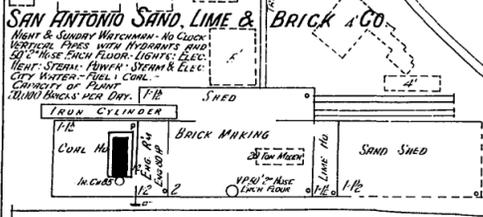
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MILAM

NOT PAVED



RAILROAD TRACKS BEYOND

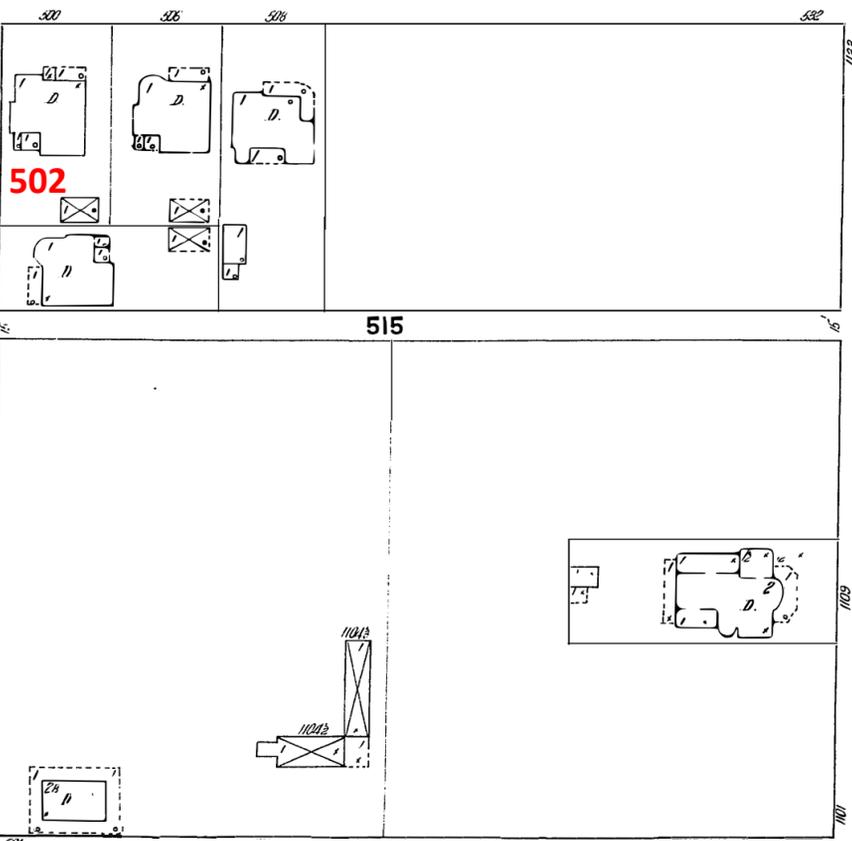


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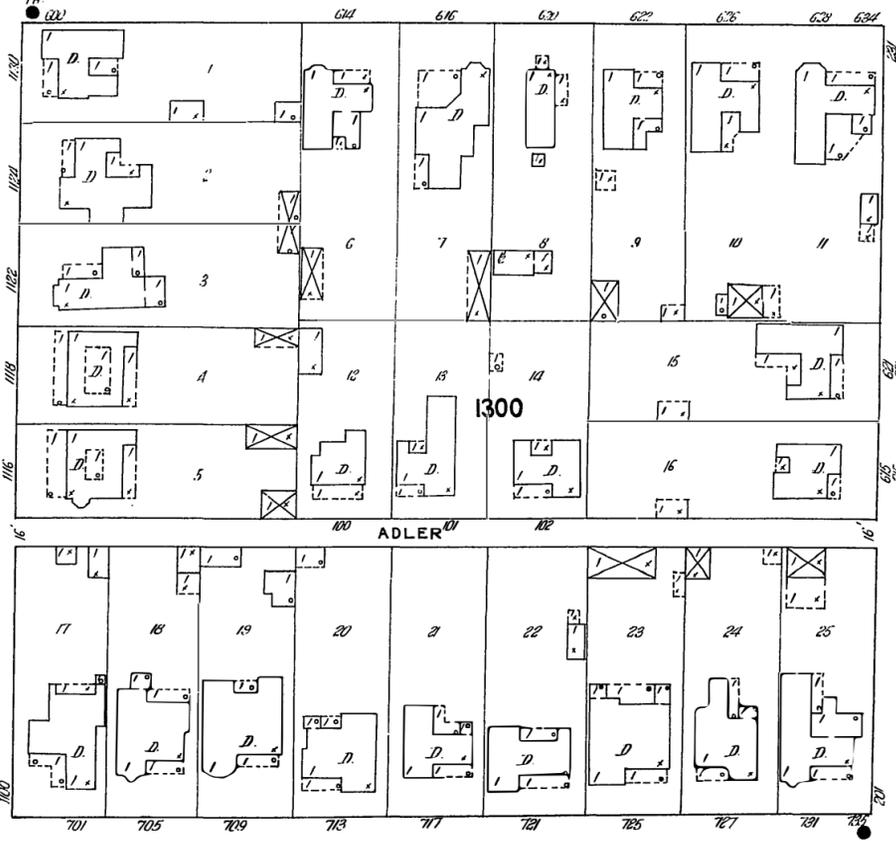
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N. OLIVE



N. PINE



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WILLOW

BURLESON

NOT PAVED

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Scale of Feet.

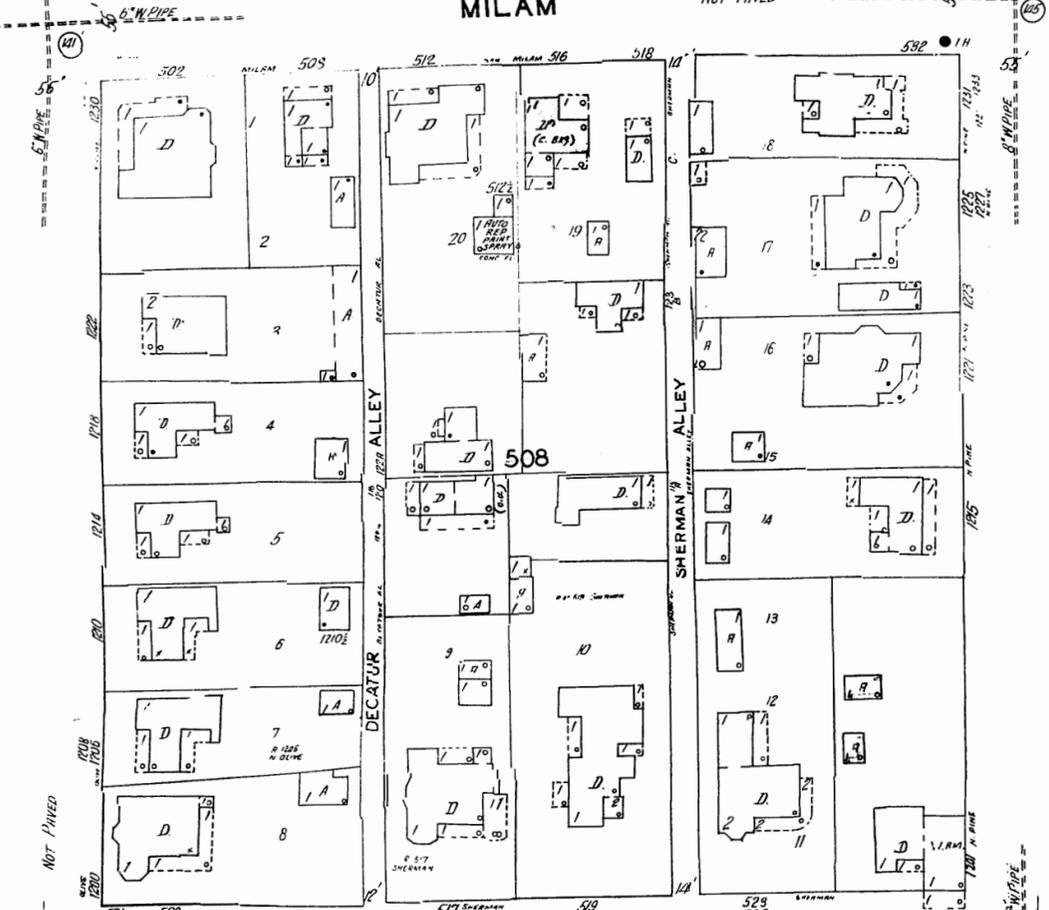


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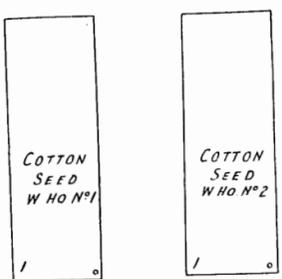
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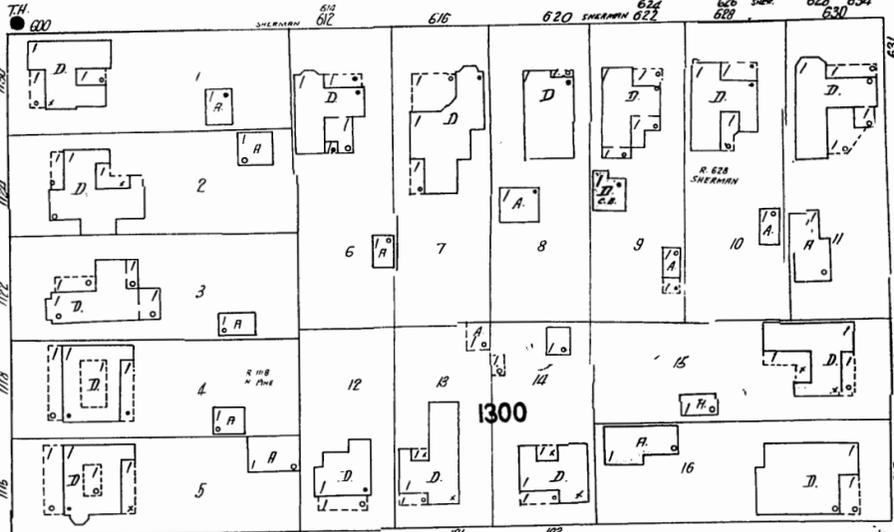
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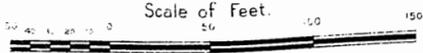
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Scale of Feet.



502 Sherman

There is a shed on the back of the property in very rough condition and we would like to see the possibility to demo it since the cost to fix will be too high; please see breakdown below:

Foundation - \$10,000.00

Framing repair- \$5,000.00

Siding repair and replacement as needed- \$3,000.00

Roof repair- \$1,500.00

Exterior and interior paint \$ 1,200.00

interior sheetrock finish- \$800.00

Electrical up to code- \$1,200.00

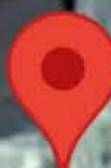
Total- \$22,700.00

We will salvage all wood to be reused on the exterior of the main house, all wood on siding will be used to replace any siding on main house and to ensure we keep the historic element of the property.



Sherman

N Olive St



502 Sherman
Recently viewed



N Olive St

N Olive St

June 8, 2022 at 4:05 PM
502 Sherman St
San Antonio TX 78202
United States

















