## HISTORIC AND DESIGN REVIEW COMMISSION

November 02, 2022

**HDRC CASE NO: 2022-428** 

**ADDRESS:** 1614 E HOUSTON ST **LEGAL DESCRIPTION:** NCB 577 BLK 16 LOT 5

**ZONING:** RM-4, H

CITY COUNCIL DIST.: 2

**DISTRICT:** Dignowity Hill Historic District

**APPLICANT:** William Brewer/Done Right Construction DBA **OWNER:** GOFORTH DERETHA & PATRICIA SCOTT

**TYPE OF WORK:** Demolition of a historic landmark

**APPLICATION RECEIVED:** July 12, 2022

**60-DAY REVIEW:** Not applicable due to City Council Emergency Orders

CASE MANAGER: Claudia Espinosa

**REQUEST:** 

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

- 1. Demolish the primary, historic structure at 1614 E Houston, located within the Dignowity Hill Historic District.
- 2. Demolish the rear accessory structure at 1614 E Houston, located within the Dignowity Hill Historic District.

#### **APPLICABLE CITATIONS:**

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 is 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 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 is 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

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 historic structure located at 1614 E Houston is a single-family, residential structure constructed circa 1928 in the Craftman style. The structure first appears on the 1931 Sanborn Map. The historic structure features a low-pitched, composition shingle roof with side gables, wood siding, an asymmetrical front porch with wrought iron columns, and one-over-one wood windows. The rear of the property features an accessory structure with a low-pitched, composite shingle roof, wood siding, a wood garage door, and a wood entry door. The property is contributing to the Dignowity Hill Historic District.
- b. At this time, the applicant is requesting a Certificate of Appropriateness for approval to demolish the primary and rear accessory structure at 1614 E Houston.
- c. DESIGN REVIEW COMMITTEE The DRC conducted a site visit to the property on Wednesday, October 12, 2022. The Commissioners, OHP staff, contractor and homeowners walked through the property. The Commissioners, staff, and homeowner assessed the structure. Since the site visit, the Commissioners in attendance have requested that the applicant update plans of what is to replace these structures, salvage what original materials remain, and provide a salvage and demolition plan.
- d. PUBLIC NOTICE Demolition notice postcards were mailed to properties within a 200-foot radius of the property, as well as to the registered neighborhood association on Friday, August 19, 2022, as required by the Unified Development Code.
- e. The loss of a landmark is an irreplaceable loss to the quality and character of San Antonio. Demolition of any landmark or contributing buildings should only occur after every attempt has been made, within reason, to successfully reuse the structure. For full demolition of primary structures, the UDC requires clear and convincing evidence supporting an unreasonable economic hardship must be presented by the applicant in order for demolition to be considered. The applicant must prove by a preponderance of 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:

[The applicant has provided a cost estimate noting that the restoration of both structures would cost \$254,496. Neither additional bids, nor a third-party bid has been obtained at this time. Per Bexar County Appraisal District records, the accessed value of this lot is \$180,370. Staff finds that a rehabilitated structure would likely be valued above this cost estimate.]

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;

[The applicant has submitted an engineer's report noting that the structure's structural integrity has been compromised due to fire damage.]

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.

[The property is not currently listed for sale. The property has been owned by the current owner since 2013, per Bexar County Appraisal District Records. The applicant has not submitted evidence that the property has been marketed during the period of ownership.]

- 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. Per the UDC, 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 demolition by neglect. Staff finds that, while there is fire damage to the rear portions of the structure, a loss of significance has not occurred.
- h. DEMOLITION (Rear Accessory Structure) As noted in the request language, the applicant has also proposed to demolish the rear accessory structure. The applicant has not provided a cost estimate for the rehabilitation of the rear accessory structure and has not demonstrated an unreasonable burden for an economic hardship.
- i. REPLACEMENT PLANS The applicant has provided specific replacement plans at this time. The applicant would like to demolish the current structures on the property and construct four new tiny homes for short-term rentals.

## **RECOMMENDATION:**

Staff does not recommend approval of items 1 and 2 based on findings a through i.

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

- i. That the applicant provide documentation of the structure's architectural elements in accordance with the UDC Section 35-614(d).
- ii. That the applicant provide a final salvage plan documenting which elements will be salvaged.





Original located at San Antonio Public Library Special Collections

Residence 1614 E Houston St. San Antonio, TX 78239

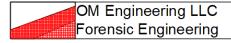
# Structural Assessment – Fire Damage Report

Prepared by:

OM Engineering LLC New Braunfels, TX

Mailing address: PO Box 312526 New Braunfels, TX 78131

omengllc@gmail.com



New Braunfels, TX TX Firm No: 20120

316-768-0330 omengllc@gmail.com

Date: July 5, 2022

Mrs. Dominique Miles (313) 727-6414 dommiles@prodigy.net

Roof, Foundation and Framing Inspection, Fire Damage-1614 E. Houston St, San Antonio, TX.

OM Engineering was contracted to conduct a structural assessment for fire damage at the above property. The purpose of the inspection was to make visual observations on the extent of fire damage and to determine if the structure is salvageable. The assessment was conducted on July 1, 2022. The assessment did not include the verification of Insulation, Wind Bracing, Fire or Safety Code Compliance.

Select photographs from the inspection are presented at the end of this report, as well as a sketch with suggested repairs. Mr. William of Done Right Construction was on site.

The following information was provided via text messages and emails:

- 1. The fire was in 2019.
- 2. The property is an inheritance from Mary Manning.
- 3. The owner is Deretha Goforth.

A search of tax records revealed the following:

- 1. The residence was constructed in 1928.
- 2. The detached garage was constructed in 1980.

A visual inspection of the interior was conducted with the following observations:

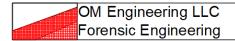
- 1. The rear walls and ceilings were severely damaged.
- 2. The damage consisted charring of the shiplap and wood walls studs.
- 3. The ceiling rafters and wood paneling was charred.
- 4. The fire damage extended from the rear into the front rooms.
- 5. The rear walls had collapsed, and the exterior rear wall was missing.
- 6. The floor deck was charred, buckled and missing sections.

A visual inspection of the exterior revealed the following observations:

- 1. The exterior cladding was aluminum siding and wood panels.
- 2. There were signs of damage to the aluminum siding along the east and north elevations.
- 3. The exterior framing was visibly racked to the west.
- 4. The roof line was visibly buckled and bowed.
- 5. The garage showed signs of weathering and age.
- 6. The garage roof framing was bowed with a hole in the roof deck.

A visual inspection of the attic revealed the following observations:

- 1. The roof framing consisted of rafter with purling bracing.
- 2. The rafters and purlin bracing were severely charred and damaged.
- 3. The rafters had collapsed at the rear and towards the front.
- 4. The roof deck was severely damaged and charred.



New Braunfels, TX TX Firm No: 20120

316-768-0330 omengllc@gmail.com

A visual inspection of the crawlspace revealed the following:

- 1. The foundation consisted of cedar post supporting wood beams and wood joists.
- 2. The cedar posts were toppled, tilted, or dislodged.
- 3. The wood beams were dislodged or tilted.
- 4. The wood joists were buckled and tilted.
- 5. The floor framing at the rear was severely damaged and charred.
- 6. An elevation survey was not conducted on the interior due to the conditions observed.

#### **Discussion:**

Fire damage to wood structures consists of smoke stains, desiccation of wood members, charring, failure of fasteners or complete destruction. The results to the structure can range from salvageable with minimal replacement to complete demolition. Based on the physical conditions observed, we approximate that 85% of the overall structure has been damaged from the fire and the structural integrity has been compromised.

The foundation consisted of cedar posts supporting wood beams and wood floor joists. The existing foundation pies were found to be toppled, tilted, or dislodged. Based on the condition of the overall structure, we can reasonably conclude that the foundation has also been compromised and unsalvageable.

#### **Conclusion:**

Based on the observations and the physical evidence, it is our opinion that the structure has experience a severe fire and is structurally compromised. We believe that the structure is not salvageable and recommend the structure be demolished as soon as possible.

As discussed, onsite, we recommend mechanical methods for the demolition of the structure for safety concerns. The structure should be considered "unsafe" and under no conditions should anyone enter the interior or access the roof. The existing conditions for the detached garage also warrant demolition and the same methods should be considered.

#### Signature:

The opinions and findings expressed in this report are based upon the information available at the date of this report are the result of limited non-destructive visual investigation of the property and exposed building components. As such, OM Engineering, LLC assumes no liability for the misuse of this information by others and reserves the right to modify the conclusions contained herein upon receipt or discovery of additional information. Due to the limited access and the non-destructive nature of the investigation, OM Engineering, LLC cannot be held responsible for any hidden defects that may negatively impact the performance of the structure. This report is intended to provide an overview of the existing conditions and should not be used as an indicator of future performance; no expressed or implied warranties or guarantees of any kind are given. All sketches included are for illustrative purposes only.

We at OM Engineering, LLC sincerely thank you for the opportunity to serve you.

Sincerely,

Conan C. Bear, P.E. Principal Engineer OM Engineering, LLC New Braunfels TX

Texas Firm No: 20120 Exp. 9-30-2022



## Photo Log:



Photo 1, North elevation, overall (front).

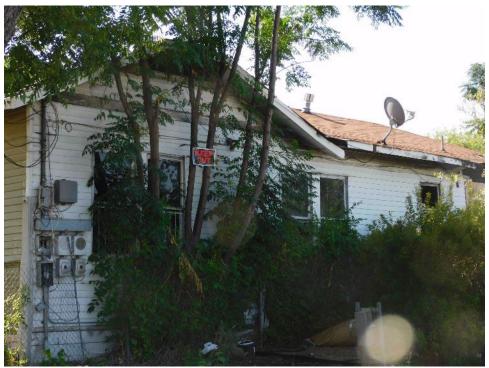


Photo 2, West elevation.



Photos 3, South (rear) elevation.



Photo 4, East elevation.



Photo 5, Exterior, damage to skirting and cladding, east elevation.



Photo 6, Interior, damage to framing and walls.



Photo 7, Interior, damage to walls and framing.



Photo 8, Attic, damaged roof framing.



Photo 9, Crawlspace, toppled foundation piers.



Photo 10, Crawlspace, toppled piers and rolled wood beam.



Photo 11, Crawlspace, damaged foundation pier.



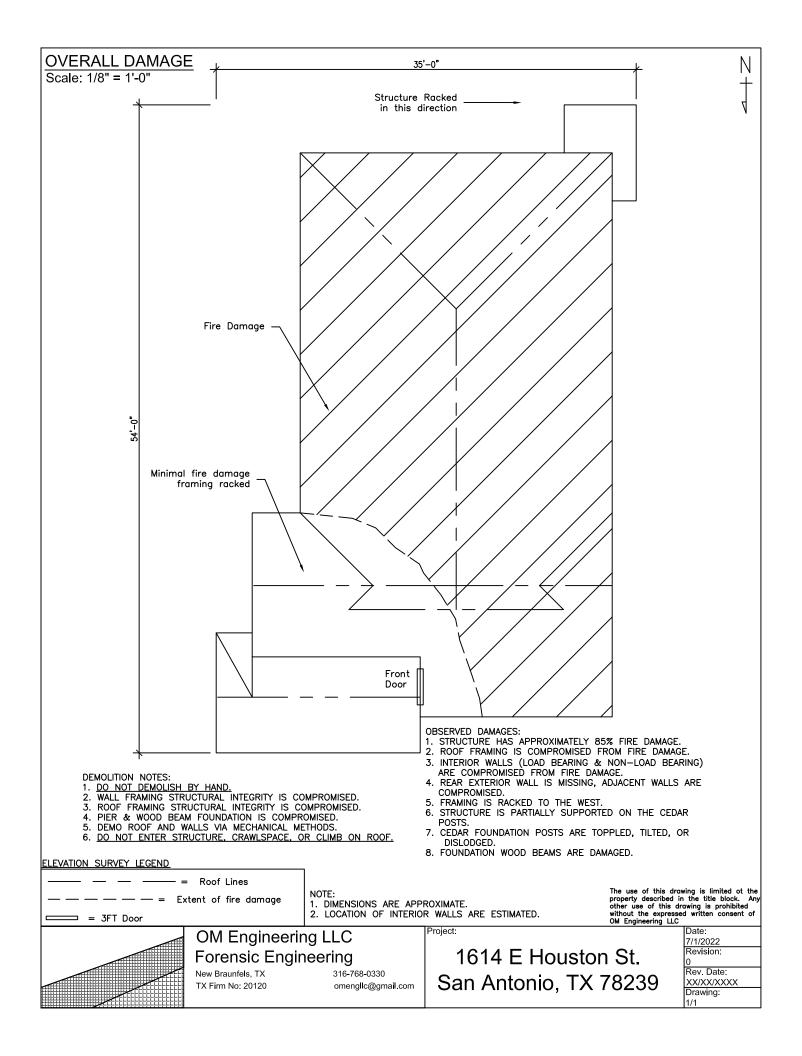
Photo 12, Exterior, damaged roof, east elevation.



Photo 13, Exterior, garage roof.



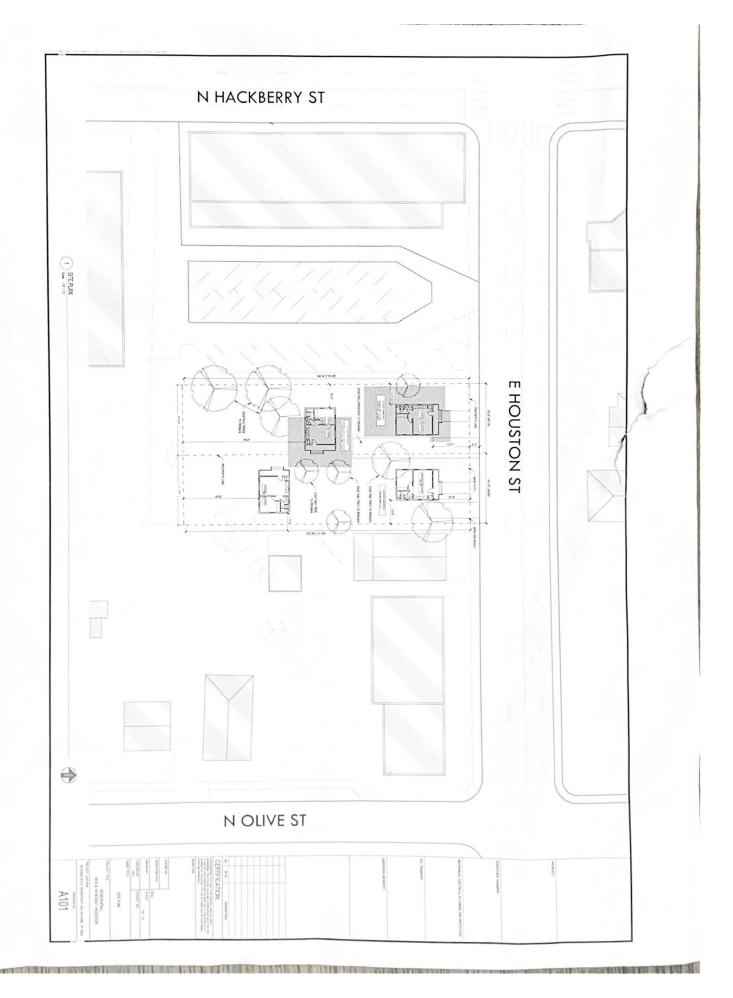
Photo 14, Exterior, garage cladding.



William 5128064646 william@donerighthandyman.org

ESTIMATE NO.	020	ISSUE DATE		9/12/2022	VALID UNTIL	9/12/2022
FROM  Done Right Construction 9607 marsh straw San Antonio TX 78354 United States		FOR Dominique Miles				
DESCRIPTION			QUANTITY	UN	NIT PRICE (\$)	AMOUNT (\$)
Foundation repair and lift onto pier and beat 47/sqft for lift onto pier and beam 10/sqft for pier and beam pour Removal of old cedar piers \$1/sqft	am		1,252 sqft		58.00	72,616.00
Roof removal and repair Removal of old shingles and install of new	plywood a	nd shingles	1,252 sqft		14.00	17,528.00
Flooring removal and replacement \$1/sqft removal \$3.50/sqft replacement install&materials			1,252 sqft		4.50	5,634.00
Walls and drywall Removal of fire damaged walls/ceilings an Replace with new studs and drywall (tape/ Removal \$3/sqft Install \$21/sqft Paint \$2/swft			1,252 sqft		26.00	32,552.00
Removal and replacement electrical Removal all aluminum wires and replace wapproved wiring (romex 12/2) New sub panel and main panel New fixtures, outlets, switches	vith current	code	1,252 sqft		12.00	15,024.00
Plumbing removal and replacement Replace all plumbing with pex piping			1,252 sqft		6.00	7,512.00
Kitchen replacement  Removal of fire damaged kitchen and insta	all of new		1		12,000.00	12,000.00
Removal of siding and install of new vinyl Removal all fire damaged siding and repla	ce with nev	N	1,252 sqft		6.00	7,512.00
Sub floor replacement  Removal all fire damaged floor plywood/we new osb	ood and re	place with	1,252 sqft		2.00	2,504.00
Window teplacement Remove and disposal of old windows Install and weather proofing of new window	vs		10 ea		850.00	8,500.00

DESCRIPTION	QUANTITY	UNIT PRICE (\$)	AMOUNT (\$)
Insulation	1,252 sqft	14.00	17,528.00
Install of r13 batt insulation in walls and r31 in ceiling attic space.			
Removal and disposal of old insulation (asbestos removal) toxic removal			
Toxic items removal fee	1,252 sqft	15.00	18,780.00
House will need tent and special ppe for removal process. (Lead danger, asbestos danger)			
Dumpsters, dump fees			
Fire damaged door replacement	5 ea	450.00	2,250.00
Replace doors damaged from fire			
Exterior repaint	1,252 sqft	3.00	3,756.00
Beam replacement	11 each	2,800.00	30,800.00
Replace cedar beams			
Total (USD):			\$254,496.00



#### **Demolition and Salvage Plan**

Location: 1614 E Houston Street, San Antonio Texas 78202

Structure Type: Residential Pier & Beam (Wood Framing)

Method of Demolition: Deconstruction with Hydraulic shoring methods

Salvageable Materials: T&G siding, cedar piers, windows and frames, doors, T&G flooring, cedar beams, all other wood and material not deemed dangerous or fire damaged.

Property will be deconstructed following city code and safety guidelines; building will be shored up with hydraulic machinery for worker safety as we salvage materials for use in future buildings. Permitter fence will be put up to keep worksite and materials safe. All salvaged materials will be stored in storage until new building begins.









