

**City of Santa Fe  
Historic Districts Review Board  
Findings of Fact and Conclusions of Law**

**Case # 2024-9381-HDRB**

**Address** – 532 Don Gaspar Ave.

**Agent’s Name** – Hannon Structures

**Owner/Applicant’s Name** – Andras Szantho

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on November 26, 2024.

**BACKGROUND**

The single-family residence at 532 Don Gaspar Ave. is a craftsman-style bungalow listed as significant to the Don Gaspar Area Historic District. It was built in 1928, documented as Tyler’s Drug Store in 1928, and presently is used as a law office. It is on the corner of West Santa Fe and Don Gaspar Avenues. It has a detached garage to the west of the main house, which is designated as contributing. The main house has a mostly square footprint and faces east to Don Gaspar Avenue. It is red brick with a projecting, pitched, cross-gabled roof with metal tiles, and appears to be a twin to 528 Don Gaspar Ave., with identical building footprints, orientation, roof profiles and material finishes. The primary entrances are on the east elevation. Previously designated contributing, the HDRB upgraded the status of the main house at 532 Don Gaspar Ave. to significant in a hearing June 28, 2022. See Case # 2022-5448-HDRB.

532 Don Gaspar Ave. has a porch with brick piers and a wrought-iron hand railing at the stairs. A wooden ramp was added at a later date to the front/east porch. The back porch extends along almost the entire west elevation, although the 1930 Sanborn map shows the porch as having a smaller footprint, indicating that the porch was added later. A small white picket fence attached to the porch and extended southward to the edge of the property.

This property came before the HDRB in 2022 under Case # 2022-5790-HDRB for exterior alterations, including replacing roofing, windows and doors, the rear west porch, and installing picket fencing. The Board granted an exception to SFCC Section 14-5.2(D)(5)(b) for replacing historic architectural features. However, during construction, the Applicant made alterations without seeking approval from the HDRB. The Applicant failed its historic interim inspection as a result of these alterations. The Applicant continued to work without approval and was issued a Stop Work Order (“Red Tag”) on September 24, 2024.

The Applicant has requested approval of those exterior alterations including:

- 1) Install a white vertical-slat railing on the front east porch. An exception to SFCC Section 14-5.2(D)(5)(b) is required for adding an architectural feature on a primary façade.
- 2) Install three ground-mounted HVAC units on the west elevation behind the newer porch to minimize visibility.
- 3) Construct a 4-foot-high coyote fence just inside the existing chain link fence on the northwest corner of the building to shield the view of the HVAC units.

- 4) Install exterior lighting at the access door to the basement.
- 5) Install the door on the previously approved ADA lift.
- 6) Install the required ADA sidewalk to access the lift from the parking area and the street to the south.
- 7) Install the asphalt parking area with automobile bumpers and appropriate striping.
- 8) Install gravel mix in tan along the east and south of the residence.

### **FINDINGS OF FACT**

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Land Use Department Staff conducted a preliminary zoning review (“PZR”) and determined that the application appears to meet the underlying zoning standards set forth in the Santa Fe City Code (“SFCC”).
2. Historic Preservation Division Staff reviewed the application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Board with a written report of its findings (“Staff Report”), which evaluates the factors relevant to the application.
3. Historic Preservation Division Staff Recommendation: The Staff does not find that the exception criteria have been met, but the Board may find that they have upon further testimony; therefore, staff recommends denial of item 1 to install the white railing on the porch. Otherwise, the Staff recommends approval of items 2-8 of the application as it complies with SFCC Section 14-5.2(D), General Design Standards for all Historic Districts, and 14-5.2(H), Don Gaspar Area Design Standards.
4. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
5. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
6. The property is located in the Don Gaspar Area Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(H).
7. Under SFCC Sections 14-2.6(B-C), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f), 14-5.2(C)(3)(a-b), 14-5.2(C)(4), and 14-5.2(D), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant’s proposed design to assure overall compliance with applicable design standards.
8. Under SFCC Section 14-5.2(D)(5)(b), for all façades of significant, contributing and landmark structures, a new architectural feature is not permitted without documentation of its previous existence.
9. The Applicant proposes to install a railing on the east, front porch where there previously was none. The Staff determined that an exception to SFCC Section 14-5.2(D)(5)(b) would be required for approval of the application, and the Applicant requested an exception.
10. To obtain an exception, the Applicant was required to conclusively demonstrate that the three exception criteria set forth in SFCC Section 14-5.2(C)(5)(b) have been met.
11. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with Staff’s recommendation that the Applicant has not conclusively demonstrated that all exception criteria have been met.

- a. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Board finds that granting the exception would damage the character of the district, because the placement of a railing on this porch creates a false sense of historic development;
  - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that the exception is not required to prevent a hardship to the Applicant or an injury to the public welfare because the building code does not require fall protection on a porch less than 30 inches off the ground; and
  - c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that granting the exception would not strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.
12. The Board finds that the Applicant has failed to conclusively demonstrate that all of the exception criteria have been met.
  13. Under SFCC Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new drawings or documentation, satisfactory to the Board, have been submitted.
  14. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable requirements for Board review as herein described have been met.
  15. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable design criteria have not been met.

### **CONCLUSIONS OF LAW**

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the application as follows:

1. The Board has the authority to review and approve the application.
2. The Board denies the exception requested in the application.
3. The Board denies approval of Item # 1, the railing on the east porch as set forth in the application.
4. The Board directs Staff to work with the Applicant and other City staff to determine whether a railing is required on this east-elevation porch and, if so, to work with the Applicant to arrive at an acceptable design to be re-presented to the Board if the Applicant still wishes to proceed.
5. The Applicant shall seek administrative approval from the Land Use Staff for Items # 2-8.

**IT IS SO ORDERED ON THIS 25th DAY of MARCH, 2025, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.**

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Cecilia Rios, Chair

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Date

FILED:

\_\_\_\_\_  
Andréa Salazar  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank Ruybalid  
Assistant City Attorney

\_\_\_\_\_  
Date