HISTORIC AND DESIGN REVIEW COMMISSION

June 03, 2015

Agenda Item No: 11

HDRC CASE NO:	**2015-226**
ADDRESS:	115 W ASHBY PLACE
LEGAL DESCRIPTION:	NCB 1885 BLK LOT 6
ZONING:	RM4 H HS
CITY COUNCIL DIST.:	1
DISTRICT:	Monte Vista Historic District
APPLICANT:	Tom Stolhandske
OWNER:	Ada Yrizarry
TYPE OF WORK:	Install barbed wire

REQUEST:

The applicant is requesting a Certificate of Appropriateness to install three strands of barbed wire at 6” apart on top of an existing wrought iron fence along the back property line.

APPLICABLE CITATIONS:

Historic Design Guidelines, Chapter 5, Guidelines for Site Elements
2. Fences and Walls
B. NEW FENCES AND WALLS
i. *Design*—New fences and walls should appear similar to those used historically within the district in terms of their scale, transparency, and character. Design of fence should respond to the design and materials of the house or main structure.
v. *Appropriate materials—Construct new fences or walls of materials similar to fence materials historically used in the district. Select materials that are similar in scale, texture, color, and form as those historically used in the district, and that are compatible with the main structure. Screening incompatible uses—Review alternative fence heights and materials for appropriateness where residential properties are adjacent to commercial or other potentially incompatible uses.*

Unified Development Code, Sec. 35-514 Fences
(a) **General.**

(5) If the subject property is within a historic district, corridor overlay or a neighborhood conservation district the director of planning and community development must make a finding of compliance and compatibility with the provisions of the historic, corridor and/or neighborhood conservation district prior to issuance of a building permit for any fence.

(6) All fences shall be constructed of wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other material(s) which are similar in durability. The following materials shall not be used for fencing:

c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury; provided, however, that barbed wire may be permitted by right within a governmental facility and through an administrative exception of the development services director for private nonresidential facilities where all of the following findings of fact are made:

1. The barbed wire, where proposed to be located, will not be capable of inflicting significant physical injury to the general public,

2. The fence proposed with barbed wire is located behind a minimum setback line except where surrounded by established industrial uses,

3. The barbed wire is demonstrated by the applicant as a requirement for facility operations and for secured areas within the facility,

4. The barbed wire conforms with the requirements of section 6-2 of the building code.

City of San Antonio Code of Ordinances, Sec. 6-2 Fences
(b) *Barbed wire.* It shall be unlawful for any person to erect or cause to be erected on any street or property within the city, any fence composed either wholly or in part of barbed wire, unless the use of such barbed wire is restricted to the

placing of not more than three (3) strands thereof at the top of any fence over six (6) feet in height, provided such strand or strands slant away from the street or adjoining property and toward the property such fence may bound. Should the uppermost strand of barbed wire be not more than eighteen (18) inches higher than the top of the fence, and not over ten (10) feet from ground level, the strands of barbed wire shall not be considered in determining fence height restrictions.

FINDINGS:

a. Consistent with the Guidelines for Site Elements, fences should appear similar to those used historically within the district in terms of their scale, transparency, and character. Design of fences should respond to the design and materials of the house or main structure. Fences featuring barbed wire are not historically found or in keeping with the character of the Monte Vista Historic District.
b. As recommended by the Guidelines for Site Elements, new fences should be constructed of materials similar to fence materials historically used in the district. Materials that are similar in scale, texture, color, and form as those historically used in the district, and that are compatible with the main structure should be selected. The proposed installation of barbed wire is not consistent with other fences found historically in the district in terms of materials. The proposed barbed wire is not similar in scale, texture, or form to materials used historically within the district for the construction of fences.
c. According to Section 35-514 of the UDC, barbed wire in historic districts may be permitted in private non-residential facilities when approved by the HDRC and after receiving an administrative exception issued by the Development Services Department. Barbed wire installation may be allowed when no more than three strands are placed at the top of any fence over six feet in height, provided such strand or strands slant away from the street or adjoining property and toward the property, the uppermost strand of barbed wire is no more than eighteen inches higher than the top of the fence, and not over ten feet from ground level.

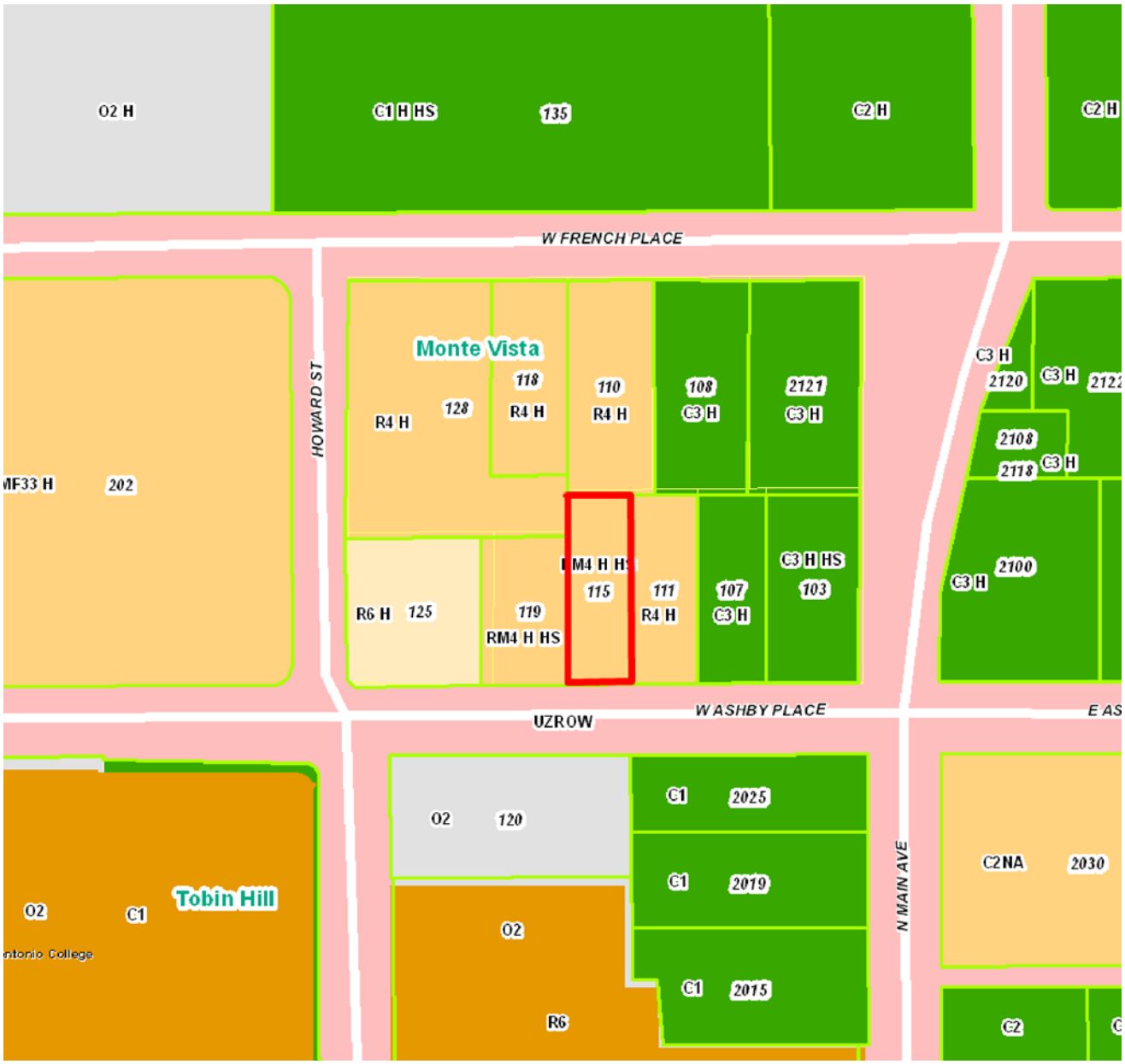
RECOMMENDATION:

Staff does not recommend approval based on findings a-b. If the HDRC approves the request, staff recommends the following stipulations:

a. No more than three strands are placed
b. The strands slant away from the adjoining property
c. The top strand is maximum 18” higher than the fence
d. The overall fence height does not exceed 10 ft.

CASE MANAGER:

Adriana Ziga



N

115 W Ashby Pl

Powered by ArcGIS Server

Printed:May 20, 2015

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DENTIST
W Ashby Pl

OFFICE OF HISTORIC PRESERVATION

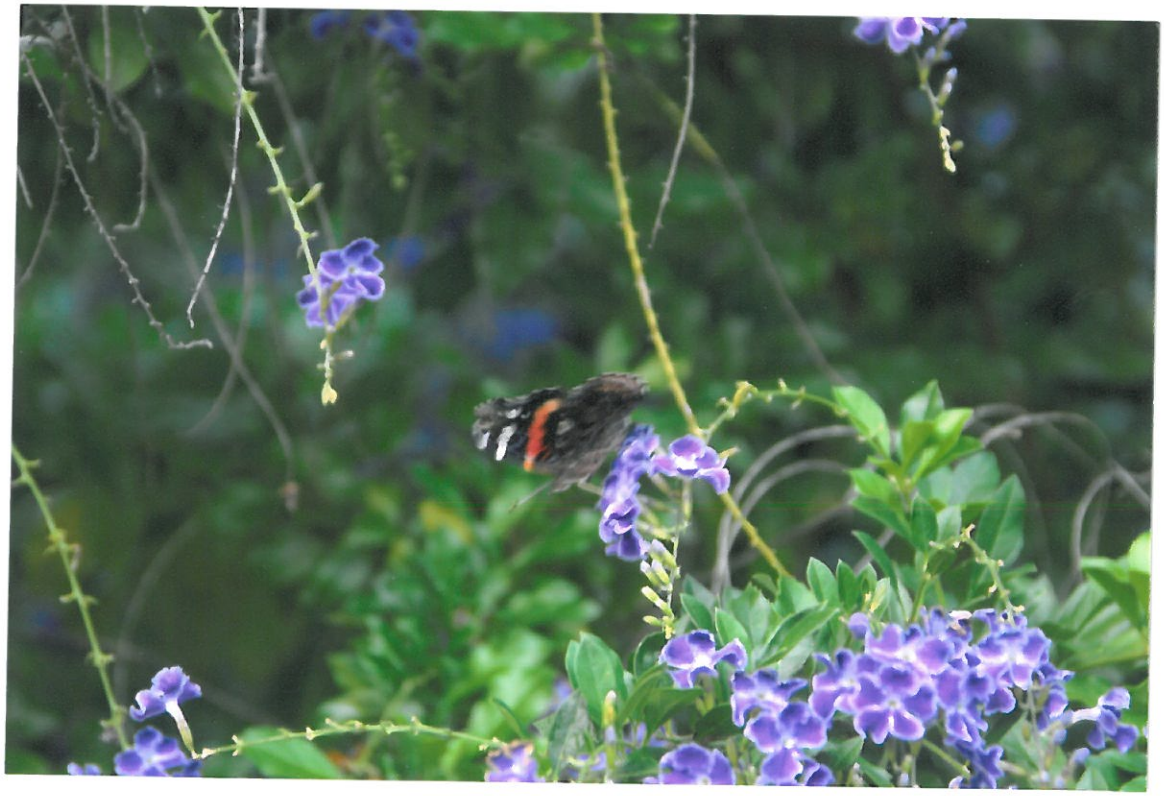
This Application is <u>only</u> for the removal of razor wire and the replacement with barbed wire as set out by the City of San Antonio Development Services Dept.

The removal and replacement was completed. Some of the removed wire was not replaced with barbed wire.

The enclosed photographs and other document is to clarify the work done and to meet your requirements:

1. Completed Certificate of Appropriateness form
2. Photograph of front view of structure
3. Site plan
4. Only barbed wire, no materials
5. Will produce sample of barbed wire if requested

The signage fee: not sure of the fee since no construction is being done.



Hello

Your Applicant, Ada C. Yrizarry, owner of 115 W. Ashby Place, San Antonio, Texas, for the past 20 years, requests that the Historic Preservation Committee, after review, grant the Applicant the "permit" to retain the barbed wire as installed on the back fence. The fence is in compliance with Code regulations, and Code Compliance permitted the change to barbed wire.

1. Applicant purchased the property in 1990, and on August 31, 1995, the property was changed to R-2 by Ordinance #82627. The wire was in place at the time of purchase in 1990. The building is the dental office of Dr. Ada C. Yrizarry; the second floor is Dr. Yrizarry's residence.

2. Subsequently, Applicant obtained a Certificate of Occupancy, Permit 298380, and started Dr. Yrizarry's bed and breakfast; she has operated this bed and breakfast continuously from that date.

3. The 115 W. Ashby Place property is in an area where she is bordered by commercial property to the east and south of West Ashby. An attachment hereto shows those properties. Also attached is a copy of a letter to the President of the Monte Vista HOA requesting their assistance in Dr. Yrizarry's attempt to follow the HOA rules as well as the laws of the City of San Antonio.

4. The San Antonio Crime Index rates this area as extremely high. A copy of the Index is attached hereto. The fact that the Applicant keeps certain drugs makes the office a desirable target, and several attempts have been made. Due to the wire on the rear fence, this deterent has foiled several attempts to enter the property.

AN ORDINANCE

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.

* * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 35-3007 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinace of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property, to-wit:

CASE NO. Z95165 CC

The rezoning and reclassification of property from Historic "B" Residence District to Historic "R-2" CC Two Family Residence District with special City Council approval for a bed and breakfast listed below as follows:

Lot 6, NCB 1885
115 W. Ashby

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35-1024.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4: This ordinance is not severable.

PASSED AND APPROVED THIS_____DAY OF_____19_____.

ATTEST:_____ MAYOR
City Clerk

APPROVED AS TO FORM:_____
Assistant City Attorney

1-0701

Done 8/31/95
Paul C.
See Dwg 1-0701

ORD. NO. 82627

AUG 10 1995

Norma S. Rodriguez
CITY CLERK

8.10.95 #0-2

CITY OF SAN ANTONIO, TEXAS

DIRECTOR OF BUILDING INSPECTIONS

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY that the building located at

Address of Location 115 W. ASHBY Date AUGUST 18, 1995

Lot No. 6 N.C.B. 1885 Zone R2 Certificate of Occupancy Permit No. 278380

has been inspected and the following occupancy thereof is hereby authorized:

Occupancy Group R1

Occupant ADA C. YRIZARRY

DBA DR. YRIZARRY'S BED & BREAKFAST

Use of Premises BED & BREAKFAST/2 UNITS/3 PARKING SPACES

OCCUPANT LOAD 6

Director of Building Inspections

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

Form No. 29-113 Rev 12-87

STOLHANDSKE
LAW

Tom Stolhandske
1004 S. St. Mary's
San Antonio, Texas 78205

Telephone: (210) 798-1453
Facsimile: (888) 461-3796

September 9, 2013

Ms. Linda Davis
108 W. French
San Antonio, Texas 78212

RE: Fence Violation Notice to Dr. Ada Yrizarry @ 115 W. Ashby Place

Dear Ms. Daniels:

This letter is to call upon you, as the President of Monte Vista HOA, for advice.

A resident owner of the property at 115 W. Ashby Place, San Antonio, Texas, has been noticed of a violation of City Code 35-514.

Dr. Yrizarry, the owner of the property, has sent three (3) letters to the City requesting a meeting to discuss the problem they have filed. Dr. Yrizarry does want to follow the Monte Vista HOA rules, as well as the laws of the City of San Antonio.

In an effort to do this, she has been denied a meeting by their failure to respond. Therefore, I am asking for input from the HOA.

Very truly yours,

TS.

TOM STOLHANDSKE

T:sue

Received call from Linda Davis - "Monte Vista Historical Preservation Society has no standing in this matter"

INDEX

Exhibit A - A-1:
Photograph of building at 115 W. Ashby Place
A-2:
Photograph of entrance gate to the building

Exhibit B:
Map of historic district - Monte Vista
B-1:
License of Dr. Yrizarry
B-2:
Photograph of dental office

Exhibit C-1, C-2, C-3:
Back fence behind bed & breakfast
View of front of bed & breakfast

Exhibit D-1:
Shows removal of razor wire - iron spikes added
D-2:
3-strand wire at back of bed & breakfast as per compliance
D-3:
View down west side of house; razor wire removed, nothing other than metal spikes
D-4:
San Antonio Crime Rate Index for the area where the building is located

Exhibit A

Front of 115 W Ashby Pl
SAN ANTONIO, TX

A-1

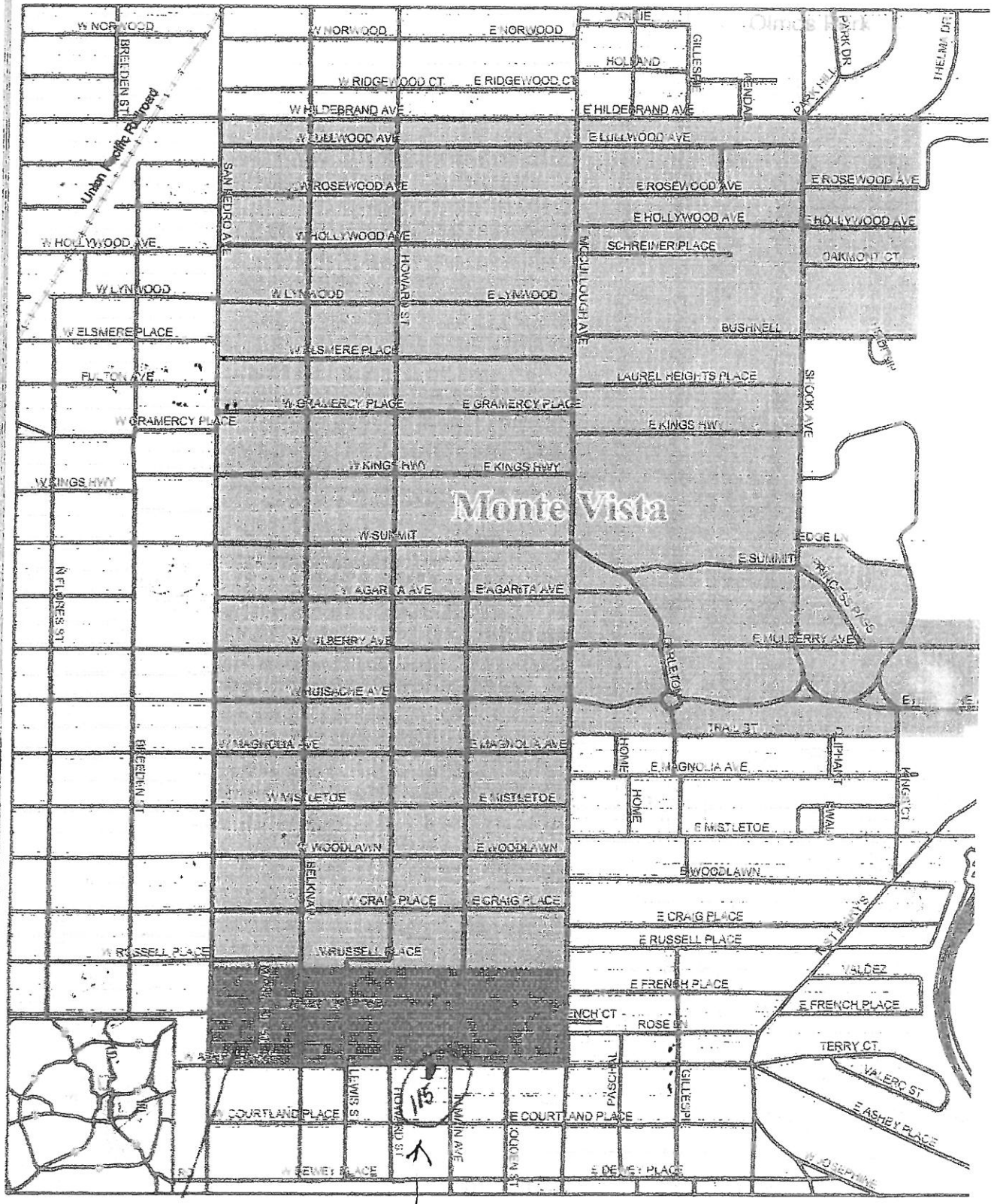
Rear of 115 W Ashby Pl

Exhibit A-2

Photograph of Entrance to 115 E Ashby Pl.

Ex: "B"

Monte Vista Historic District



B - 1

STATE BOARD OF DENTAL EXAMINERS
333 GUADALUPE TOWER 3 STE 800
AUSTIN TX 78701

ADA YRIZARRY
115 W. ASHBY PL.
SAN ANTONIO, TX 78212

TEXAS LICENSED DENTIST

ADA NIVIA C. YRIZARRY

is legally qualified to practice Dentistry in this State under the laws of Texas governing such practice

EXPIRATION DATE

April 30, 2016

LICENSE NUMBER 13711

Anesthesia Permits
Nitrous Oxide
Anesthesia Permability No

[illegible]
Executive Director
Licensing Office

Exhibit B-2

Photographic of Dental Office

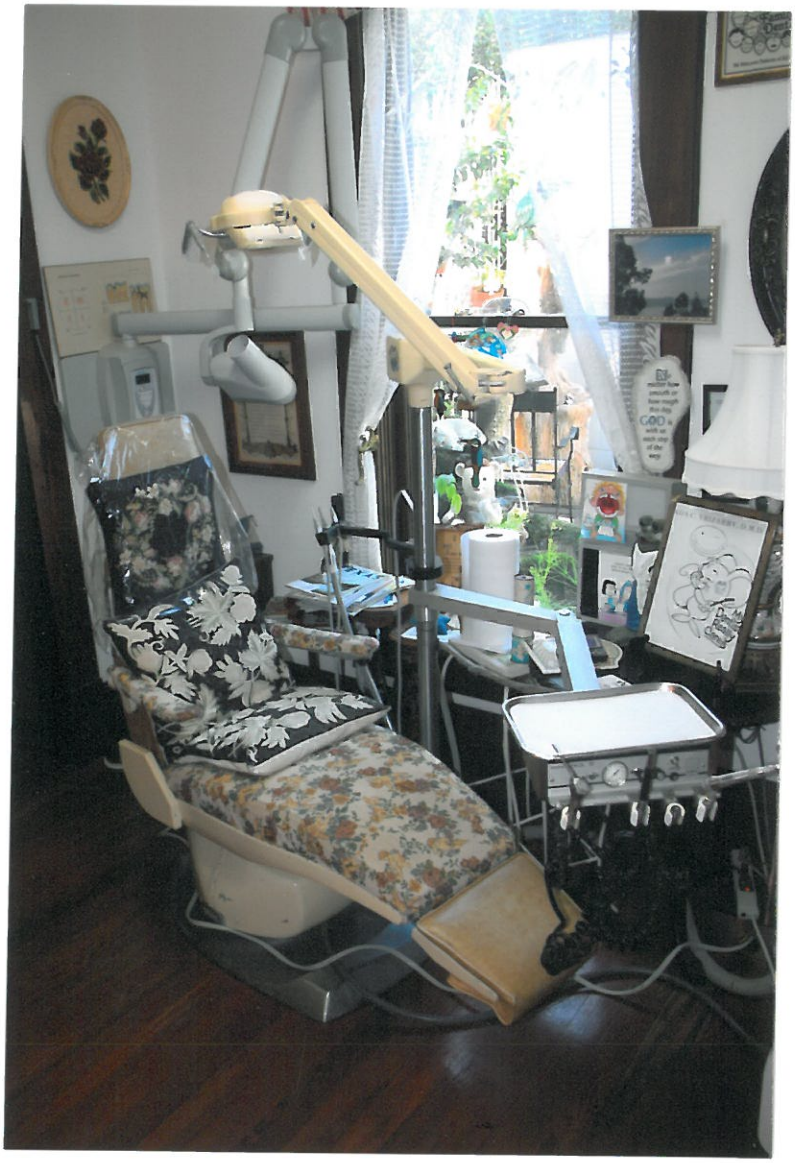
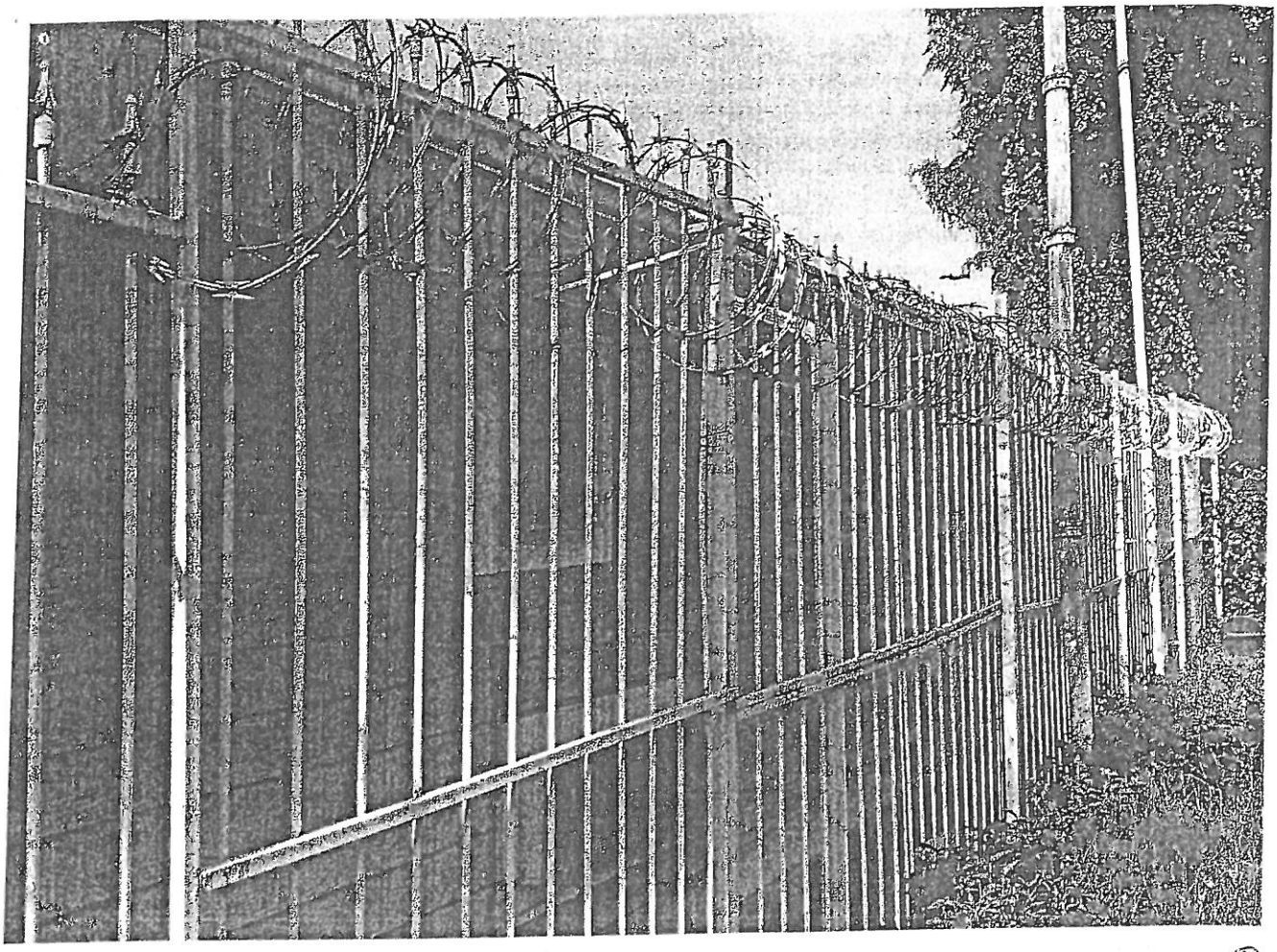


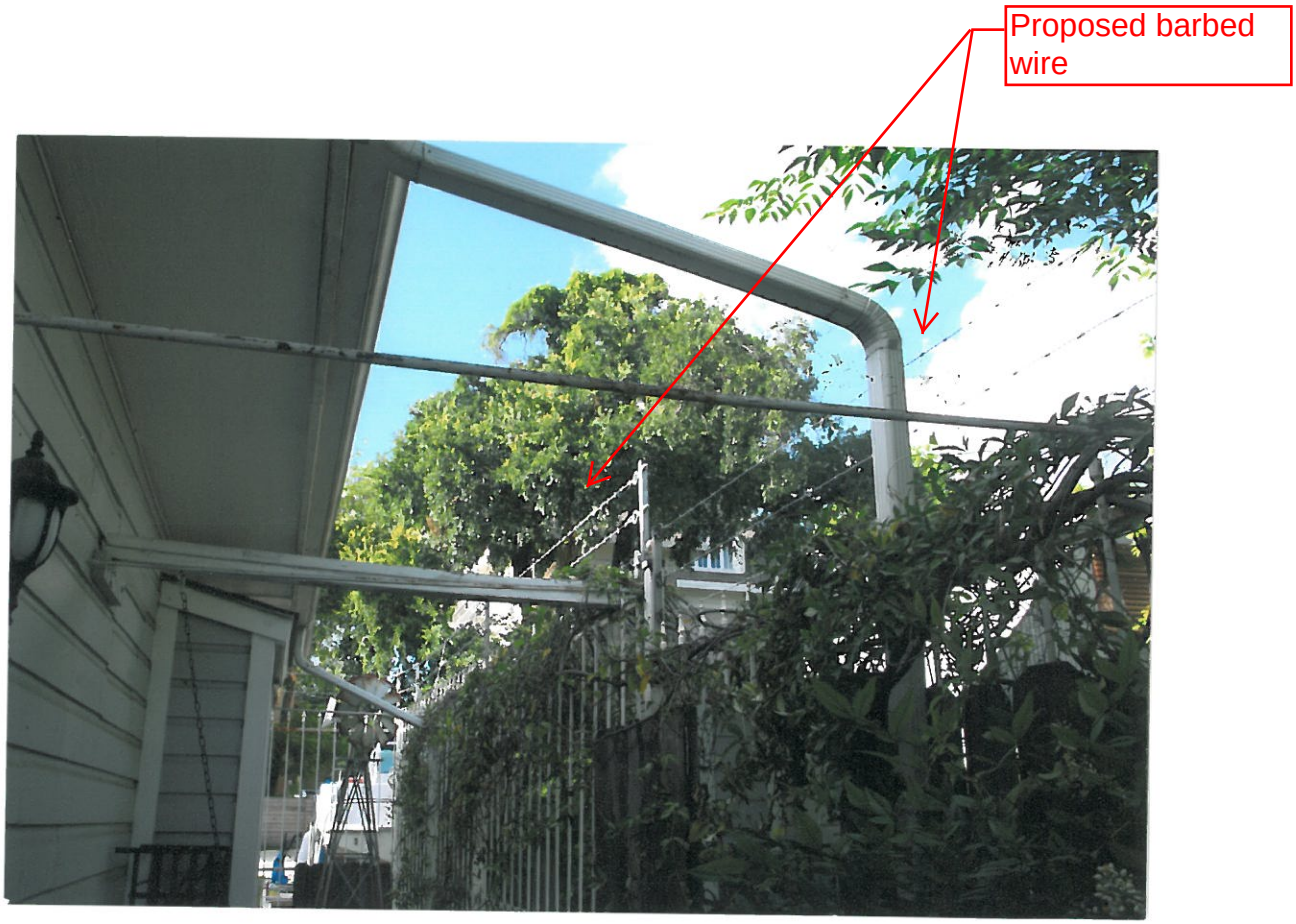
Exhibit C-1



Before

REMOVED wire AS agreed with City
Wire in back of house.

Exhibit C-2



View of back fence - See Exhibit C-1
After removal and addition of Barb Wire.
Wire 3 strands - 6" apart - meets Standard requirements
NOT ALLOWED to take picture from other side.

Exhibit C - 3

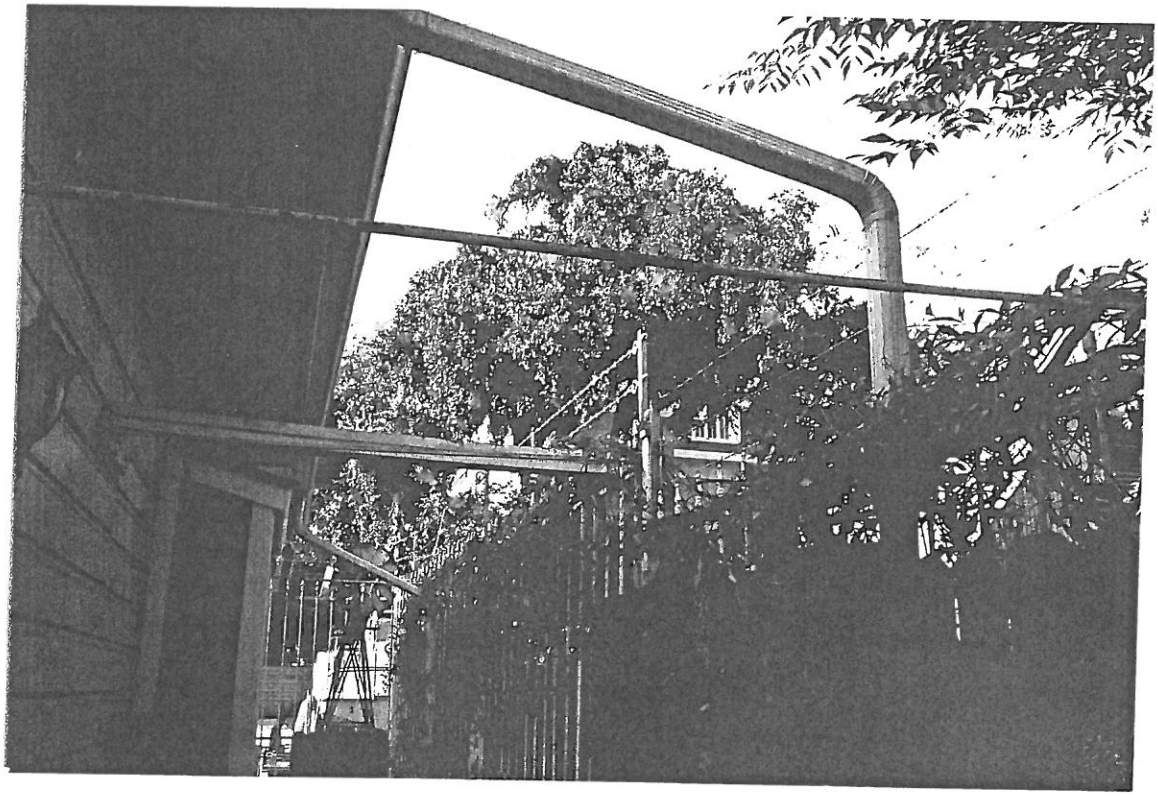
Front view of Bread & Breakfast
See Exhibit C-2 - Fence in question directly behind Bread & breakfast

Exhibit D-1

Drive to back of House.

With gate -

Exhibit D-2



View of back fence - See Exhibit C-1
After removal and addition of Barb Wire.
Wire 3 strands - 6" apart - meets Standard requirements

NOT ALLOWED to take picture from other side.

Exhibit D - 3

LEFT SIDE of 115 W Ashby Pl
(NO wire) REMOVED.

D - 4

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RYLAND HOMES San Antonio
16 Communities
28 New Home Floor Plans
From the $200's-$490's CLICK HERE

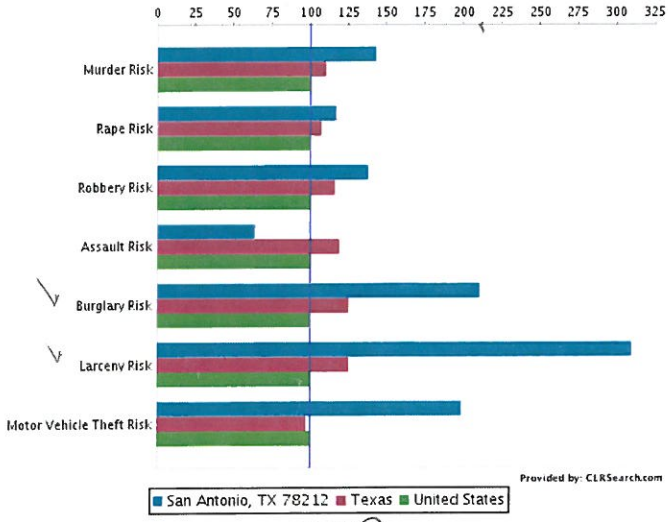
San Antonio, TX 78212 Crime Rate Indexes

Save this location Share Compare to City + State or Zip Code GO

16 Communities
28 New Home Floor Plans
From the $200's-$490's CLICK HERE

RYLAND HOMES San Antonio

2010 Crime Rate Indexes for San Antonio, TX 78212



2010 Crime Rate Indexes	San Antonio, TX 78212	Texas	United States
Total Crime Risk	199	114	100
Murder Risk	143	110	100
Rape Risk	117	107	100
Robbery Risk	138	116	100
Assault Risk	64	119	100
Burglary Risk	211	125	100
Larceny Risk	310	125	100
Motor Vehicle Theft Risk	199	97	100

The data for San Antonio, TX 78212 may also contain data for the following areas: Olmos Park, San Antonio

Crime Risk Index (100 = National Average): Index score for an area is compared to the national average of 100. A score of 200 indicates twice the national average total crime risk, while 50 indicates half the national risk. We encourage you to consult with a knowledgeable local real estate agent or contact the local police department for any additional information.

Crime Indexes are based on numerous current and historical datasets as well as proprietary modeling algorithms which estimate values at more granular geographic levels when specific data is either unavailable or impractical to aggregate. While every effort is made to ensure accuracy, these are estimates and should only be used as a guide. For detailed information regarding crime and safety in a community, please contact local law enforcement agencies.

Information is deemed reliable but not guaranteed. Demographic Information FAQ

Homes for sale in San Antonio TX 78212

517 E Locust
$249,900
Detail

128 MAGNOLIA AVE E
$750,000
Detail

244 STANFORD DR
$895,000
Detail

225 MISTLETOE AVE E
$179,900
Detail