HISTORIC AND DESIGN REVIEW COMMISSION

March 16, 2016

Agenda Item No: 16

HDRC CASE NO:	**2016-105**
ADDRESS:	328 W ELSMERE PLACE
LEGAL DESCRIPTION:	NCB 3967 BLK 2 LOT 5 & E 25 FT OF 4
ZONING:	R5 H
CITY COUNCIL DIST.:	1
DISTRICT:	Monte Vista Historic District
APPLICANT:	Ray Garza
OWNER:	James Patrick
TYPE OF WORK:	Replace existing six foot wood privacy fence with an eight foot wood privacy fence

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to replace the existing six foot tall wooden privacy fence with a new wood privacy fence that is to be eight feet in height.

APPLICABLE CITATIONS:

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.

(d) Height Limitation.

(1) Except for the provisions in section (b) above no fence constructed shall exceed the following table of heights. In addition, the maximum permitted fence height shall not exceed that of the maximum permitted fence height for the abutting property except as provided in section (d)(2). The height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the top of the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar or post. The height of any existing retaining walls, either an integral part of a fence or upon which a fence may be erected, shall be calculated in the height of the fence, except in the following instances:

A. The retaining wall is necessary for structural soundness/integrity of building construction on the lot; or

B. The retaining wall is abutting a drainage easement or drainage infrastructure.

Table of Heights
Maximum Permitted Fence Heights

Permitted Use	Front Yard	Side Yard	Rear Yard
Single-Family Use	3'0" solid fence 4'0" combined or predominantly open fence	6'0"	6'0"

	Except as provided by (b)(2)		
Multi-Family Use (see also subsection 35-514(f) below)	3'0" solid fence 4'0" combined or predominantly open fence	6'0"	6'0"
Commercial & Office Use	3'0" solid fence 4'0" combined or predominantly open fence	6'0"	6'0"
Industrial Use[1]	8'0"[1]	8'0"[1]	8'0"[1]
Parking Lots, Vacant Lots, Churches, Schools, Swimming Pools, Stormwater Management Facilities, & Parks (Public property, including parks, require HDRC review)	3'0" solid fence 6'0" combined or predominantly open (see also subsection 35-514(b)(3) above)	6'0"	6'0"

Historic Design Guidelines, Chapter 5, Guidelines for Site Elements

2. Fences and Walls

A. HISTORIC FENCES AND WALLS
i. *Preserve*—Retain historic fences and walls.

ii. *Repair and replacement*—Replace only deteriorated sections that are beyond repair. Match replacement materials (including mortar) to the color, texture, size, profile, and finish of the original.

iii. *Application of paint and cementitious coatings*—Do not paint historic masonry walls or cover them with stone facing or stucco or other cementitious coatings.

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.

ii. *Location*—Avoid installing a fence or wall in a location where one did not historically exist, particularly within the front yard. The appropriateness of a front yard fence or wall is dependent on conditions within a specific historic district. New front yard fences or wall should not be introduced within historic districts that have not historically had them.

iii. *Height*—Limit the height of new fences and walls within the front yard to a maximum of four feet. The appropriateness of a front yard fence is dependent on conditions within a specific historic district. New front yard fences should not be introduced within historic districts that have not historically had them. If a taller fence or wall existed historically, additional height may be considered. The height of a new retaining wall should not exceed the height of the slope it retains.

iv. *Prohibited materials*—Do not use exposed concrete masonry units (CMU), Keystone or similar interlocking retaining wall systems, concrete block, vinyl fencing, or chain link *fencing.*
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.

FINDINGS:

a. The property located at 328 W Elsmere currently features a side yard and rear yard wooden privacy fence that is six (6) feet tall. This fence does not project in front of the primary façade. Side and rear yard fences are found historically through the Monte Vista Historic District and are features on many of the properties in the vicinity of 328 W Elsmere Place. These fences are predominantly constructed of wood and wrought iron elements and are a maximum of six feet in height.
b. The applicant has proposed in the narrative to replace the existing side and rear yard wood privacy fence that is six feet in height with a new wood privacy fence that is to be eight feet in height. According to the UDC Section 35-514, the maximum permitted height of a side and rear yard fence for a property zoned for a single family residential structure is six feet in height. Additionally, the Guidelines for Site Elements states that new fences and walls should appear similar to those used historically within the district in terms of their scale, transparency and character. The proposed materials and placement are consistent with the Guidelines; however, the proposed height of eight (8) feet is not consistent with the Guidelines for Site Elements or the UDC.
c. UDC Section 35-514, the maximum permitted height of a solid, front yard fence for a property zoned for a single family residential structure is three feet in height. Additionally, the Guidelines for Site Elements states that new fences and walls should appear similar to those used historically within the district in terms of their scale, transparency and character. The applicant has indicated on the site plan that the new fence would extend along the side property line to the front property line. This is not consistent with the Guidelines for Site Elements.

RECOMMENDATION:

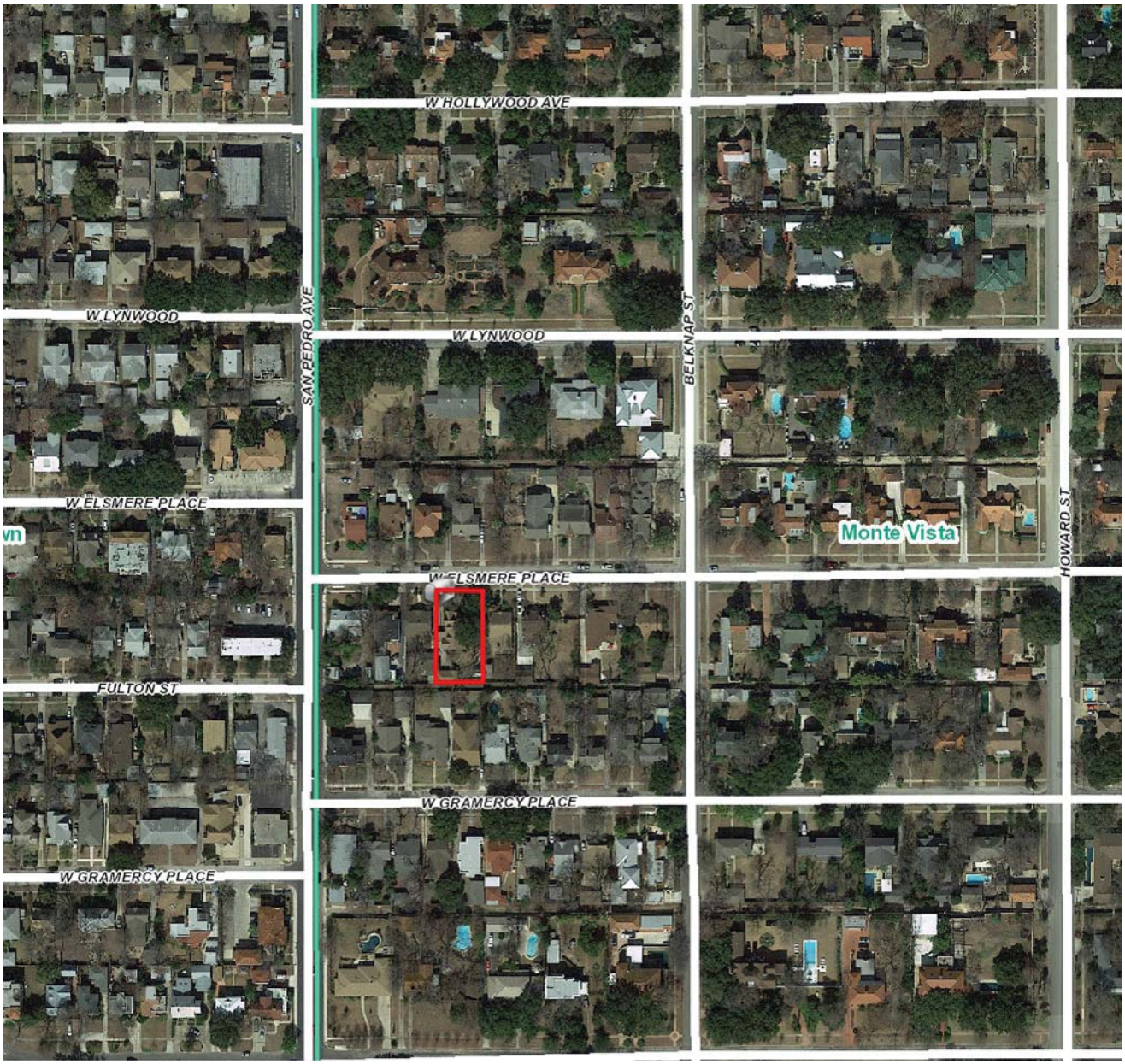
Staff recommends denial based on findings a and b.

CASE COMMENT:

The final construction height of an approved fence may not exceed the maximum height as approved by the HDRC at any portion of the fence. Additionally, all fences must be permitted and meet the development standards outlined in UDC Section 35-514.

CASE MANAGER:

Katie Totman



N

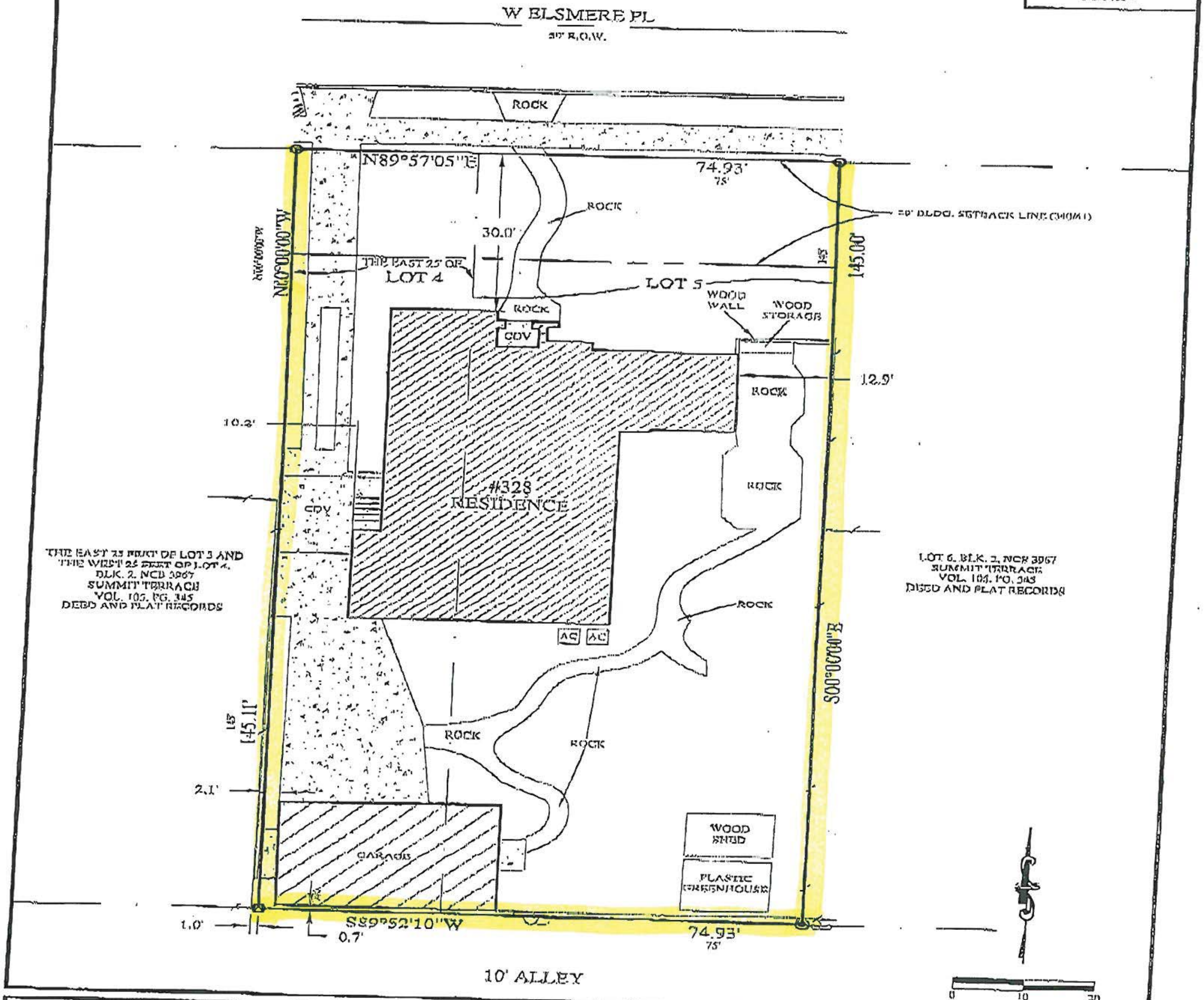
328 W Elsmere Place

Monte Vista

Printed:Mar 11, 2016

SUBJECT TO THE FOLLOWING RECORDED RESTRICTIVE COVENANTS AND/OR EASEMENTS ACCORDING TO SCHEDULE B OF TITLE COMMITMENT ISSUED BY COMMERCE TITLE COMPANY ISSUED AUGUST 31, 2009, G.F. NO. (1088898)
VOL. 105 PAGE 345 DEED AND PLAT RECORDS VOL. 340 PAGE 41 DEED RECORDS

RECORD INFORMATION
N89°27'41"E
65.00'
AS MEASURED IN FIELD
S33°29'20"W
161.24'



SURVEY OF: LOT(S) 5 AND EAST 25 FEET OF LOT 4 BLOCK 2 N.C.B. 3967
SUMMIT TERRACE, AN ADDITION TO THE CITY OF SAN ANTONIO
VOLUME 105, PAGE(S) 345, OF THE DEED AND PLAT RECORDS
OF BEXAR COUNTY, TEXAS.
WITNESS MY HAND AND SEAL THIS 8 DAY OF SEPTEMBER, 20 09
ADDRESS 328 W ELSMERE PL ACCORDING TO: U.S. POSTAL SER.
JOHNSON SURVEYING JOB NO. 11-(913-00)
CERTIFIED TO: DAVID D. READ AND JACQUELINE C. READ
COMMERCE TITLE COMPANY

I, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE SURVEY PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY HEREON DESCRIBED ACCORDING TO MEASUREMENTS MADE ON THE GROUND, AND THAT THIS SURVEY ACCURATELY DEPICTS THE SUBSTANTIAL VISIBLE IMPROVEMENTS TO SAID PROPERTY. IT IS UNDERSTOOD THAT A FORMAL CERTIFICATION IS BEING MADE BY A COMPANY SPECIALIZING IN THE PROCEDURE OF PROVIDING FLOOD CERTIFICATIONS AND THIS SURVEY MAKES NO REFERENCE TO FLOOD INFORMATION. SETBACKS AND EASEMENTS TO WHICH WE HAVE BEEN INFORMED ARE SHOWN ON DRAWING OR BY REFERENCE.

Legend:

		UTILITY POLE
WOOD FENCE	IRON / WROUGHT IRON	CHAIN LINK FENCE
(VOLUME/PAGE)	TR TRANSFORMER	COV COVERED
CONCRETE	1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)	1/2" IRON ROD SET WITH YELLOW CAP MARKED "RPLS 5578"

JOEL CHRISTIAN JOHNSON, R.P.L.S.

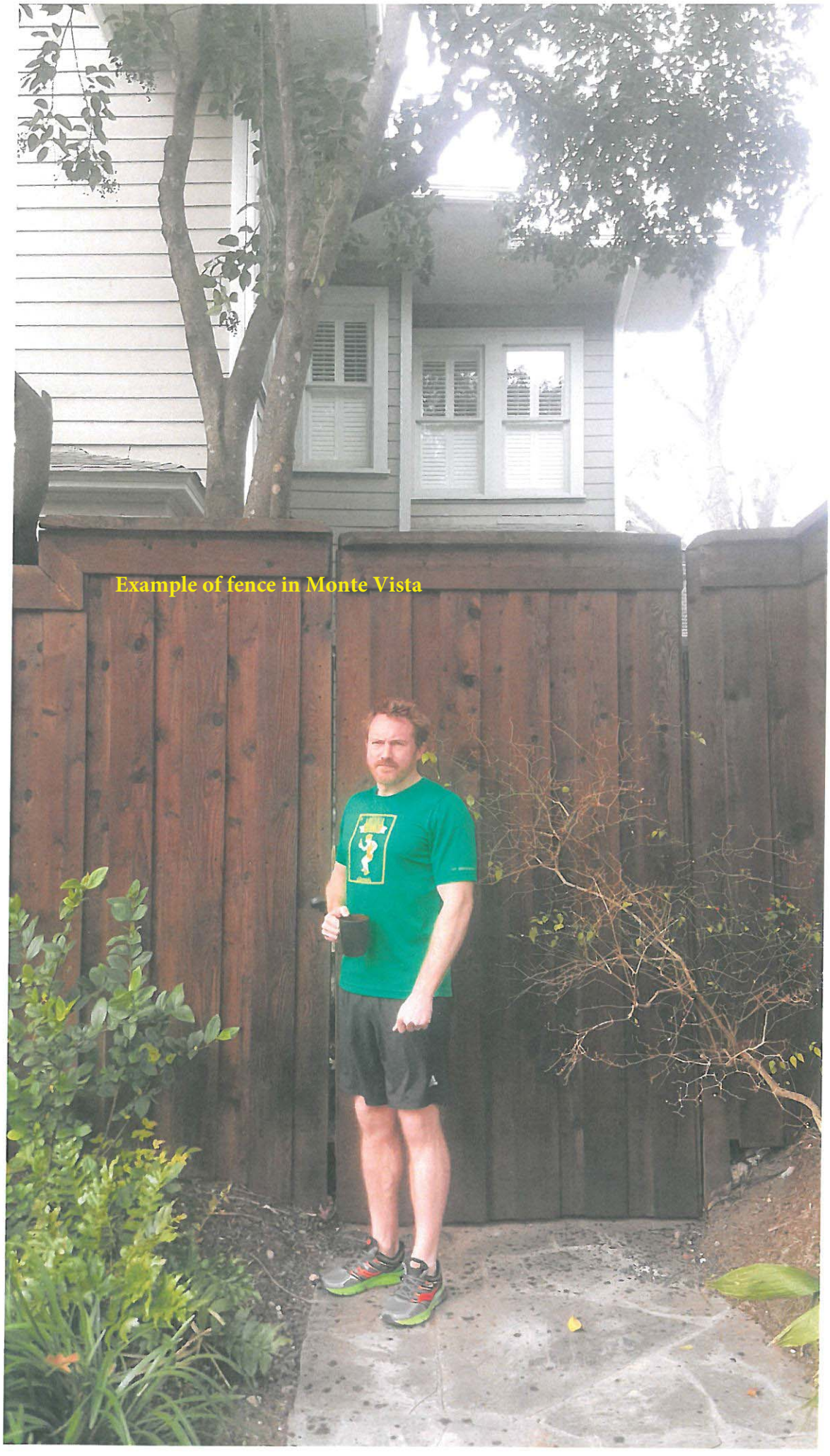
JOHNSON SURVEYING, INC.

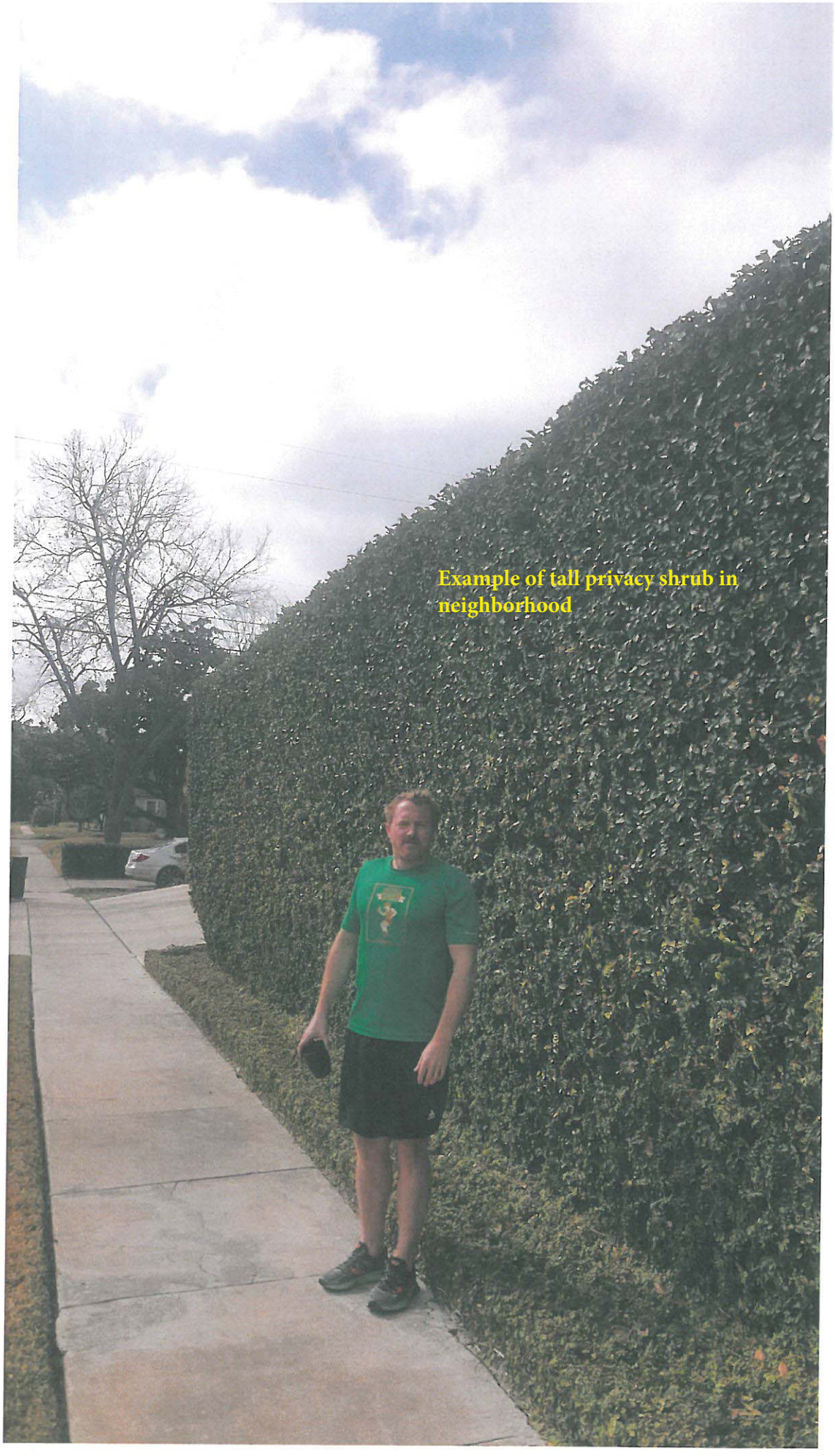
Registered Professional Land Surveyor
3548 E RITTIMAN, SAN ANTONIO, TX 78217
(210) 858-9830 * (210) 247-6138 fax

Existing Fence and House

Existing Fence as seen from W Elsmere Place

Example of Fences in the neighborhood


Example of fence in Monte Vista


Example of tall privacy shrub in neighborhood