HISTORIC AND DESIGN REVIEW COMMISSION

February 01, 2017

Agenda Item No: 24

HDRC CASE NO:	**2017-020**
ADDRESS:	115 W ASHBY PLACE
LEGAL DESCRIPTION:	NCB 1885 BLK LOT 6
ZONING:	RM-4, H
CITY COUNCIL DIST.:	1
DISTRICT:	Monte Vista Historic District
APPLICANT:	Tom Stolhandske
OWNER:	Ada Yrizarry
TYPE OF WORK:	Rear fence alterations

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to place wrought iron spikes 20 inches above the top of the fence. The space between the spikes to be 6".

APPLICABLE CITATIONS:

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.
C. PRIVACY FENCES AND WALLS
i. *Relationship to front facade*—Set privacy fences back from the front façade of the building, rather than aligning them with the front façade of the structure to reduce their visual prominence.
ii. *Location* – Do not use privacy fences in front yards.

FINDINGS:

a. The main structure is a two-story Neoclassical home w, built circa 1909. It is a contributing structure in the Monte Vista Historic District, and was designated in 1975.
b. There is an existing 6' wrought iron rear fence. There are also 3 strands of barbed wire above the portion of the

fence that spans the rear property line, that did not receive a Certificate of Appropriateness. The proposed modification to the existing fence includes removing the barbed wire and adding 20" spikes above the existing 6' fence. The spikes are designed 6" apart. According to the Guidelines for Site Elements 2.B., new fences should appear similar to those used historically within the district in terms of scale, character, and height. Staff finds the design of the proposed spikes is not characteristic of the spires installed currently. Staff also finds that a fence that is 7'-8" is not historically found in the district

RECOMMENDATION:

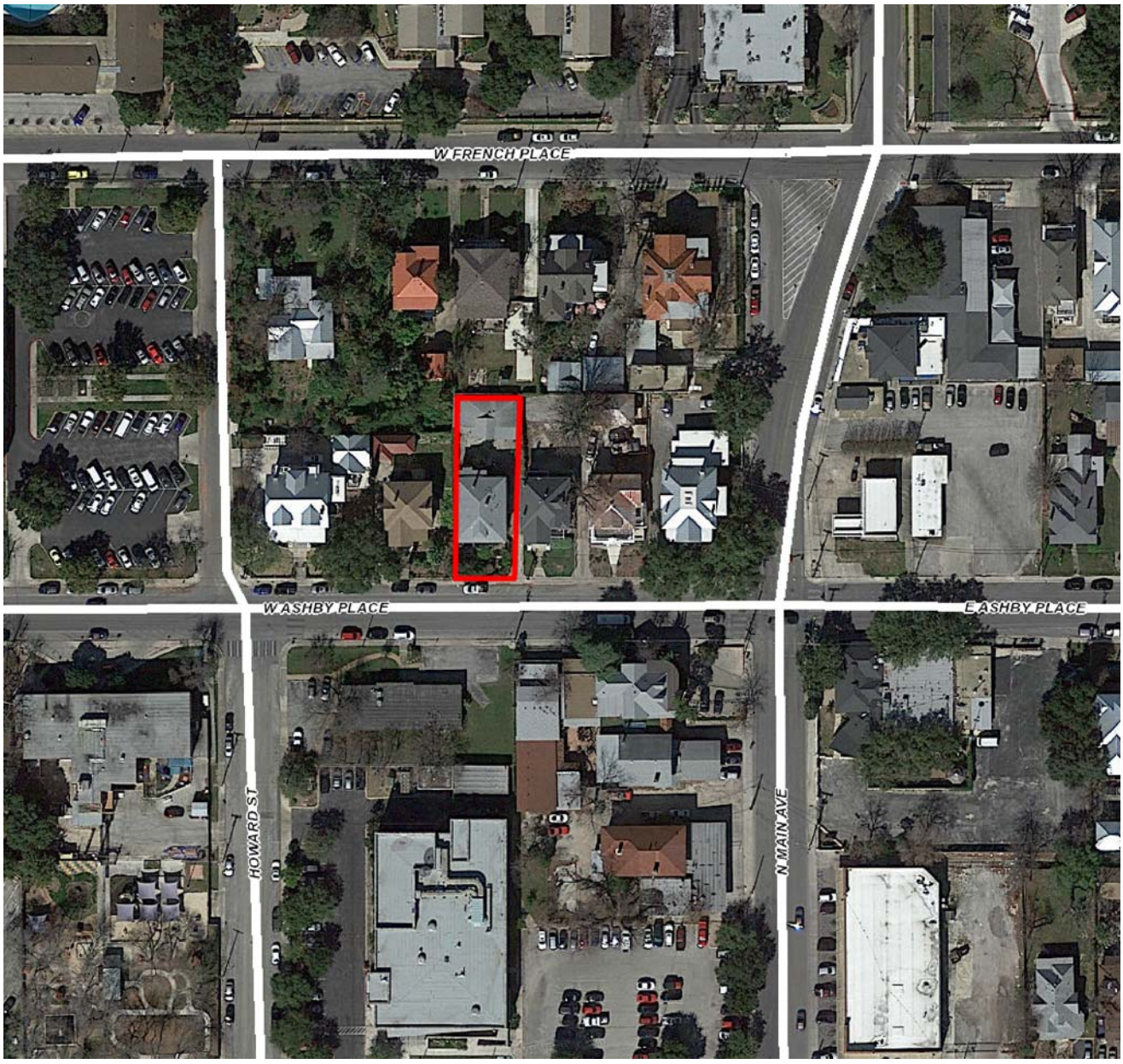
Staff does not recommend approval based on findings a and b.

CASE MANAGER:

Lauren Sage

CASE COMMENTS:

- March 3, 2013 – Development Services Department (DSD) received a complaint of razor wire on the property. DSD allowed the razor due to the fact that it has been in place for over 20 years. If the property owner in the future wants to remodel or alter the existing fence, a new permit would be required.
- March 4, 2014 – DSD received another complaint of the razor wire. Further research indicated that razor wire is not allowed by code, but barbed wire is allowed by Sec. 6-2. DSD directed the property owner to convert the existing razor wire to barbed wire.
- August 18, 2014 – A citation was issued because the property owner refused to remove the razor wire and install barbed wire. A court date was set for October 28, 2014, at which the property owner did not show, and was liable, by default.
- November 11, 2014 – A variance application was submitted for the razor wire, and was denied.
- November 20, 2014 – Another citation was issued because the property owner refused to remove the razor wire and install barbed wire.
- January 7, 2015 – The citation was dismissed because the property owner agreed to remove the razor wire and install barbed wire. She had 60 days to do so.
- January 23, 2015 – A letter from DSD to the applicant references the agreement made of January 7, 2015. The letter also states that code allows barbed wire, not razor wire.
- March 25, 2015 – A citation was issued because though some razor wire was replaced with barbed wire, some razor wire remained.
- May 1, 2015 – All razor wire was removed and replaced with 3 strands of barbed wire.
- June 3, 2015 – A request was heard by the HDRC to install three strands of barbed wire at 6" apart on top of an existing wrought iron fence along the back property line. Staff did not recommend approval. The commission moved to deny the request.
- The barbed wire was not removed and the 3 strands of barbed wire persist today.
- 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. The applicant will need to seek a variance from the Board of Adjustment for the additional fence height.
- Any property designated historic requires a Certificate of Appropriateness from the Office of Historic Preservation prior to performing any exterior modifications.



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Flex Viewer

Powered by ArcGIS Server

Printed:Jan 24, 2017


Dr. Yrizarry's Bed
and Breakfast

Dr. Yrizarry's Bed
and Breakfast


W French Pl
W French Pl
W French Pl
Casseb Clothing
Howard St
Howard St
N Main Ave
N Main Ave
Dr. Yrizarry's Bed and Breakfast
Kym's Kids
115 West Ashby Place
W Ashby Pl
W Ashby Pl
W Ashby Pl
Fiesta On Main / Alamo Fiesta.COM.
W Ashby Pl


170315
CITY OF SAN ANTONIO
HISTORIC PRESERVATION
DENTIST


ADA C. YRIZARRY
DENTIST


FRONT LEFT


VIEW OF BACK OF 115 W ASHBY
Oct 21, 2016, 10:43:59 AM


VIEW OF BACK OF 115 W ASHBY
Oct 21, 2016, 10:44:12 AM


EXISTING CONDITIONS - REAR FENCE
Nov 30, 2016, 4:10:11 PM


EXISTING CONDITIONS - REAR FENCE
Nov 30, 2016, 4:10:14 PM

EXISTING CONDITIONS - REAR FENCE

EXISTING CONDITIONS - REAR FENCE

2017 JAN -4 AM 11:40

STOLHANDSKE
LAW

Tom Stolhandske
1004 S. St. Mary's
San Antonio, Texas 78205
Email: tomstolhandske@gmail.com
stolhandskelawmessages@gmail.com

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

January 3, 2017

City of San Antonio
Development Services Department
1901 S. Alamo Street
P.O. Box 839966
San Antonio, Texas 78204

Gentlemen:

In submitting the application to the Historic Design and Review Commission/City of San Antonio Office of Historic Preservation, for Lot 6, NCB 1885 (115 W. Ashby Place) for Dr. Ada Yrizarry, Dr. Yrizary is not relinquishing the right to have 3-strand barb wire as granted by document dated January 23, 2015. This document was accepted by Dr. Yrizarry and the work was performed and completed according to the terms set out.

This letter is to protect my client's right that the document of January 23, 2015 created and established a contract and that the performance by my client according to the terms of your document have been fulfilled by Dr. Yrizarry.

If the plan submitted with the application to place stakes instead of barb wire is approved, the Applicant will abide by the terms of the new agreement.

Very truly yours,

Tom Stolhandske

TS/cja

P L A N

- Will remove barbed wire - see Picture "A"
- Will place spikes 6" apart on top of existing fence
- Spikes to be 18" - 20" tall - as per bid attached
- Time of replacement - to be started upon acceptance or approval of this request. A spike sample has been furnished.

PROPOSED

Juan S. Diaz
210-394-6809

INVOICE NO. 1041

Invoice

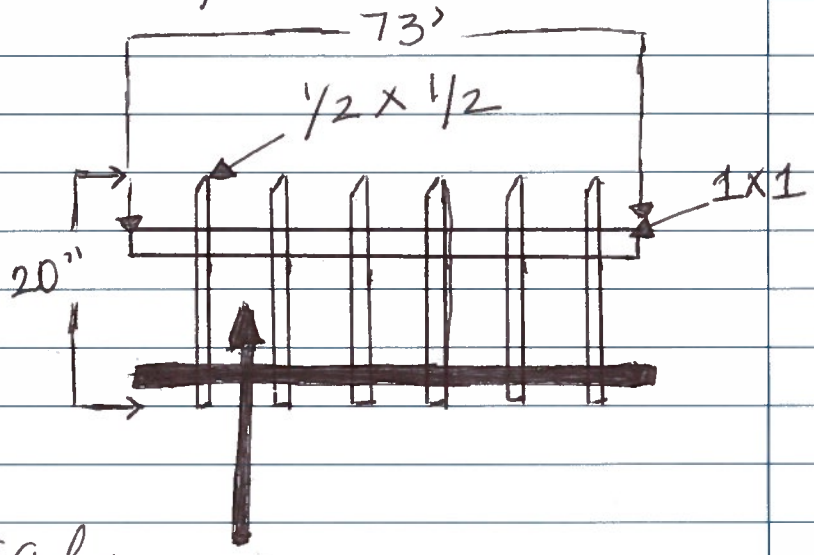
INVOICE DATE 11-17-'16

CUSTOMER ORDER NUMBER

SOLD TO:	SHIP TO:
Dr. Ada Yrizarry 115 West Ashby Place San Antonio, Tx 78212	

SALESPERSON	SHIPPED VIA	TERMS	F.O.B.

QTY ORDERED	QTY SHIPPED	DESCRIPTION	UNIT	AMOUNT
TO		whom may concern :	$	1,200.00



Proposal:
Remove existing barbed wire, replaced as shown in outline included.

Thank you,
Juan Diaz

$ 1,200.00

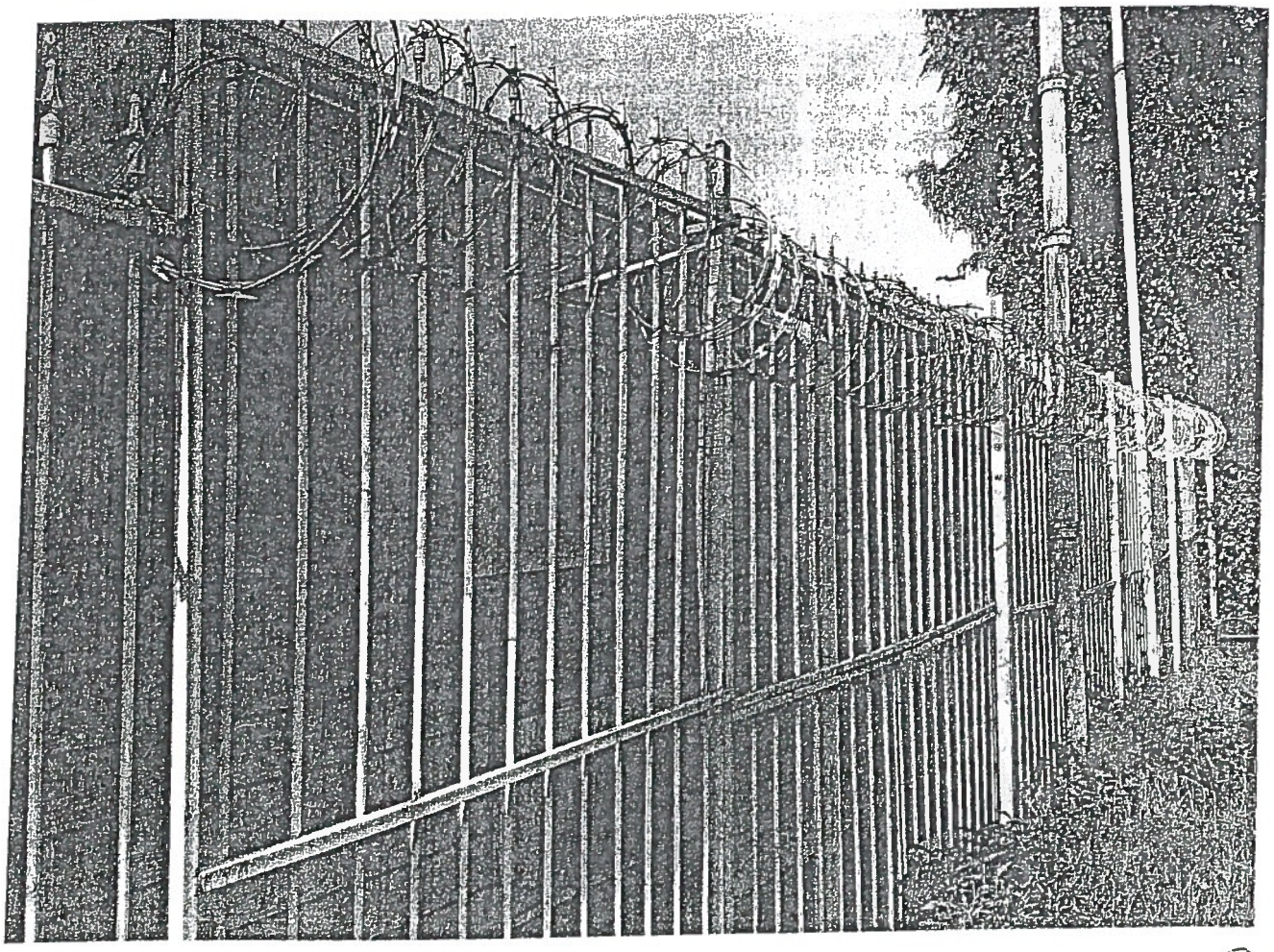

PROPOSED SPIKES
Nov 28, 2016, 3:57:29 PM

A-1

Rear of 115 W Ashby Pl

Exhibit C-1

RAZOR WIRE FENCE - NOT PERMITTED
REMOVED IN 2015



Before

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

Exhibit D-1

Drive to back of House.

With gate -

Exhibit C-2

EXISTING CONDITIONS

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

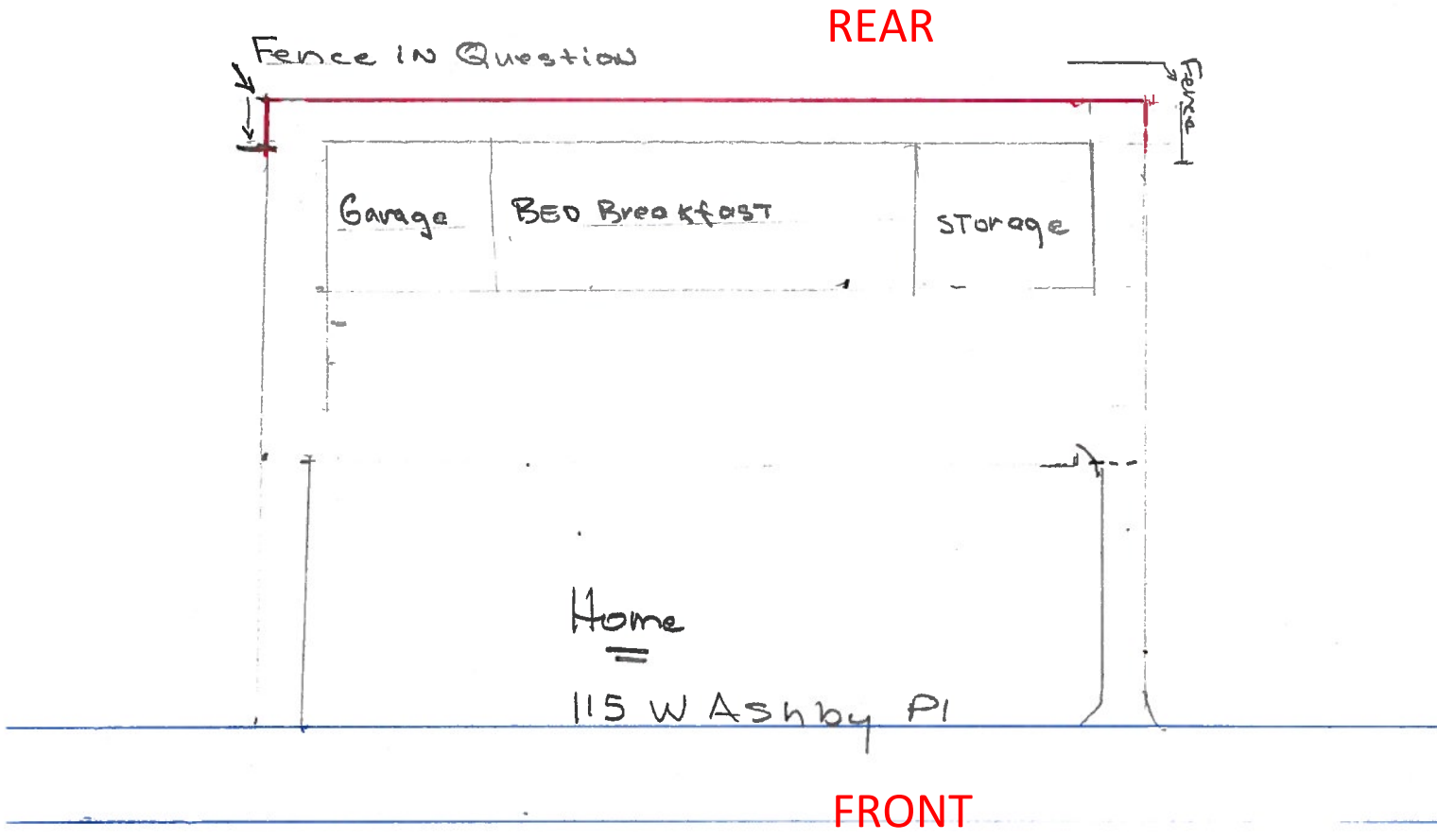
REAR ACCESSORY STRUCTURE

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

Exhibit D-3

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

PROPOSED LOCATION OF SPIKES



Ordiance for "R-2" to allow for a bed and breakfast

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:_____
City Attorney

1-0701

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

82027

ORD. NO. _____

AUG 10 1995

Norma S. Rodriguez
CITY CLERK

8.10.95 #82027