

# HISTORIC AND DESIGN REVIEW COMMISSION

July 05, 2017

**HDRC CASE NO:** 2017-325  
**ADDRESS:** 2121 N ST MARYS  
**LEGAL DESCRIPTION:** NCB 1742 BLK 15 LOT E IRR 106 FT OF 6 & E IRR 118.4 OF 7 & E IRR 131 OF 8  
**ZONING:** C-3 H  
**CITY COUNCIL DIST.:** 1  
**DISTRICT:** Tobin Hill Historic District  
**APPLICANT:** Jose Cueva  
**OWNER:** Gonzalo Pozo/Bolimex LLC  
**TYPE OF WORK:** Removal and installation of fencing  
**REQUEST:**

The applicant is requesting a Certificate of Appropriateness for approval to replace an existing wrought iron and masonry fence with a new fence of similar materials in the same location. The proposed height is 7 feet.

## 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.

*UDC Sec. 35-514. - Fences.*

(a) General.

(1) No fence may be constructed, repaired, or expanded within the city limits without first obtaining a building permit for such work, with the exception of any fence work specifically exempted by chapter 10, subsection 10-6(e) of the City Code.

(2) Fence Clear Vision Area.

a. Street Intersections on Residential Corner Lots. No fence exceeding three (3) feet in height within the city or ETJ shall be erected, constructed, or built on a corner lot within the area formed by measuring twenty-five (25) feet in each direction from the street curb.

b. Driveway, Accessway, or Alley Intersections on Residential Lots. No fence exceeding three (3) feet in height within the city or ETJ shall be erected, constructed, or built within a triangle formed by measuring fifteen (15) feet in each direction from the point where a driveway, accessway, or alley intersects with the street curb.

c. Administrative Exception. Subsections a. and b. above notwithstanding, where it can be demonstrated that a lesser fence clear vision area would be required utilizing the standards of subsection 35-506(d)(5) intersection sight distance, an administrative exception may be granted to allow a lesser fence clear vision area than otherwise would be required for a similarly situated property.

d. Variances. Variances to this section may be permissible in accordance with section 35-482.

e. Review. All fence clear vision areas are subject to review by the development services department.

(3) Freestanding walls, not an integral load bearing portion of a structure, whether constructed of masonry or wood framing, shall be considered fencing. Walls connected to a building and designed as a visual and noise barrier between a loading dock or similar use and a residential use, shall not be considered fencing and may extend to a height of sixteen (16) feet and a distance of fifty-five (55) feet from the building. Walls to be constructed in excess of eight (8) feet in height shall require certification by a licensed engineer that the foundation and support structure are designed to sustain wind loads in accordance with the International Building Code.

(4) All solid screen fences allowed to be constructed in excess of eight (8) feet in height shall require certification by a licensed engineer that the foundation and support structure are designed to sustain wind loads in accordance with the International Building Code.

(5) If the subject property is within a historic district, corridor overlay or a neighborhood conservation district the historic preservation officer (or their designee) or the director of development services (or their designee) shall 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, pre-cast concrete panels, masonry brick, brick, decorative wrought iron or other material(s) which are similar in durability.

(c) Height Limitation.

(1) Except for the provisions in section (b) above no fence 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 subsection (c)(2). The board of adjustment may allow fences of greater height by special exception, subject to section 35-399.04 of this chapter or by variance subject to Section 35-482 if the height of the fence exceeds that height allowances for a special exception. 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. (2)

Notwithstanding the provisions of subsection (c)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:

A. The ground floor elevation of either the principal dwelling on the property or the principal dwelling on an abutting lot is at least four (4) feet higher than the elevation at the shared lot line; or

B. The fence is erected along a side or rear lot line which abuts an alley or a street with a classification other than a local street; or

C. The fence is a sound barrier or a security fence for a public or institutional use; or

D. The additional fence height is permitted by the city council pursuant to a rezoning or specific use authorization; or

E. The fence is located on a side or rear lot line of a single-family, duplex, or mixed-residential use which abuts a multi-family residential, commercial, industrial, or park use.

F. In any side or rear yard where a slope is present, the height of a fence may be adjusted to allow the top of the fence to be level, and perpendicular to the support posts at a height greater than six (6) feet, provided that the height of the fence at the highest elevation does not exceed eight (8) feet. In order to maintain a uniform appearance, whenever a fence higher than six (6) feet is allowed by this subsection, all side and rear yard fences may be allowed up to eight (8) feet in height above grade.

| Permitted Use                                                                                                                                                     | Front Yard                                                                                                               | Side Yard         | Rear Yard         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|
| Single-Family or Mixed Residential Use                                                                                                                            | 3'0" solid fence<br>5'0" combined or<br>predominantly open fence<br>Except as provided by (b)(2)                         | 6'0"              | 6'0"              |
| Multi-Family Use<br>(see also subsection <a href="#">35-574</a> (f) below)                                                                                        | 3'0" solid fence<br>5'0" combined or<br>predominantly open fence                                                         | 6'0"              | 6'0"              |
| Commercial & Office Use                                                                                                                                           | 3'0" solid fence<br>5'0" combined or<br>predominantly open fence                                                         | 6'0"              | 6'0"              |
| Industrial Use <sup>1</sup>                                                                                                                                       | 8'0" <sup>1</sup>                                                                                                        | 8'0" <sup>1</sup> | 8'0" <sup>1</sup> |
| Government Facilities, Churches, Schools, Swimming Pools,<br>Stormwater Management Facilities, & Parks (Public property,<br>including parks, require HDRC review) | 8'0"                                                                                                                     | 8'0"              | 8'0"              |
| Vacant Lots, Parking Lots                                                                                                                                         | 3'0" solid fence<br>6'0" combined or predominantly<br>open (see also subsection <a href="#">35-<br/>574</a> (b)(3) above | 6'0"              | 6'0"              |

## FINDINGS:

- a. The structure located at 2121 N St Marys is a 1-story stucco commercial building designed with Spanish and Mission influences. The original portion of the structure, as indicated on the 1951 Sanborn Map, was constructed in the late 1930s. Based on city records, the original structure functioned as a restaurant, lounge, and other commercial uses over its lifetime. The building footprint was extended to the south sometime after 1951. The

present façade features a decorative ribbon of blue glass tile. The roof contains two blue glass tile domes, each atop a square tower with arches and detailing that mimic chimneys common to the vocabulary of Spanish Eclectic residential architecture, which were also added after 1951. The property contains a decorative wall and fence that fronts N St Marys to the west and E Locust to the north that is not original to the 1930s structure. The wall is clad in stucco and a decorative ribbon of blue glass tiles to mimic the primary structure, and features an inverted semicircular shape topped with masonry caps and lanterns at their highest point. The wall contains a wrought iron fence in a semicircular shape with a central rectangle featuring a decorative motif, which was added to the wall sometime after 2007. The wall along N St Marys transitions solely to wrought iron fencing towards the primary structure's main entry, and then returns back to the stucco detailing further south. The applicant has proposed to remove all existing walls and fencing and replace it with new fencing in the same location. The wrought iron will be salvaged, and any missing elements will be recreated in-kind. The new wall will be made of concrete posts clad in stucco to match the primary structure. The height of the entire structure will measure seven feet. No changes to the primary structure are proposed at this time.

- b. FENCE REMOVAL – The applicant has proposed to remove the existing fencing fronting N St Marys St and E Locust. As indicated in finding a, the wall does not date to the original period of construction, and was likely added around the same time as the building addition sometime after 1951. The wrought iron elements are also non-original and were added sometime after 2007 based on Google Street View images. Based on these considerations, staff finds the proposal acceptable.
- c. LOCATION – The applicant has proposed to replace the existing fence with new and salvaged materials in the same location. Staff finds the proposal consistent with the Guidelines. However, the applicant may be required to obtain a variance from the Board of Adjustment based on modern fence setback standards.
- d. HEIGHT – The applicant has proposed a fence that measures a total of 7 feet in height. The current fence contains a foundation measuring approximately 1 foot in height, which will be retained. The new fence columns and wrought iron elements will sit atop the foundation and measure a total of 6 feet in height. According to the Guidelines, fences that are taller than 4 feet may be considered in locations where the height was historically taller. However, local development code only permits a 5 foot fence for commercial uses in front yards. Staff finds a 7 foot tall fence inconsistent with the Guidelines and UDC Section 35-514.
- e. DESIGN – The new fencing will feature concrete columns clad in stucco. The columns will measure 14 x 14” in width and 6 feet in height. The columns will be topped with a masonry cap. Between the columns, wrought iron fencing will be installed. The fencing will be salvaged from the existing fencing and, where salvaging is not feasible or additional material is needed, fencing will be replicated in-kind to retain all details. As drawn in the submitted elevations, the wrought iron fencing is flat across the top with a flat rail. The existing wrought iron fencing features a semicircular form created by posts of varying heights. Staff finds the proposal to salvage and modify existing wrought iron fencing appropriate, as the wrought iron was added sometime after 2007.
- f. MATERIALITY – The applicant has proposed that the fence be constructed of concrete clad in stucco and salvaged and/or replicated wrought iron. According to Guideline 2.B.v, new fences should utilize materials that are similar in scale, texture, color, and form as those used in the district. Staff finds the proposal generally consistent with the Guidelines.

## **RECOMMENDATION:**

Staff recommends approval based on findings a through f with the stipulation that the fence not exceed 5 feet in height at any portion as measured from the sidewalk. 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. If the HDRC approves the request, either with staff stipulations or as submitted, the applicant may be required to obtain a variance from the Board of Adjustment.

## **CASE MANAGER:**

Stephanie Phillips





## Flex Viewer

Powered by ArcGIS Server

Printed: Jun 26, 2017

The City of San Antonio does not guarantee the accuracy, adequacy, completeness or usefulness of any information. The City does not warrant the completeness, timeliness, or positional, thematic, and attribute accuracy of the GIS data. The GIS data, cartographic products, and associated applications are not legal representations of the depicted data. Information shown on these maps is derived from public records that are constantly undergoing revision. Under no circumstances should GIS-derived products be used for final design purposes. The City provides this information on an "as is" basis without warranty of any kind, express or implied, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

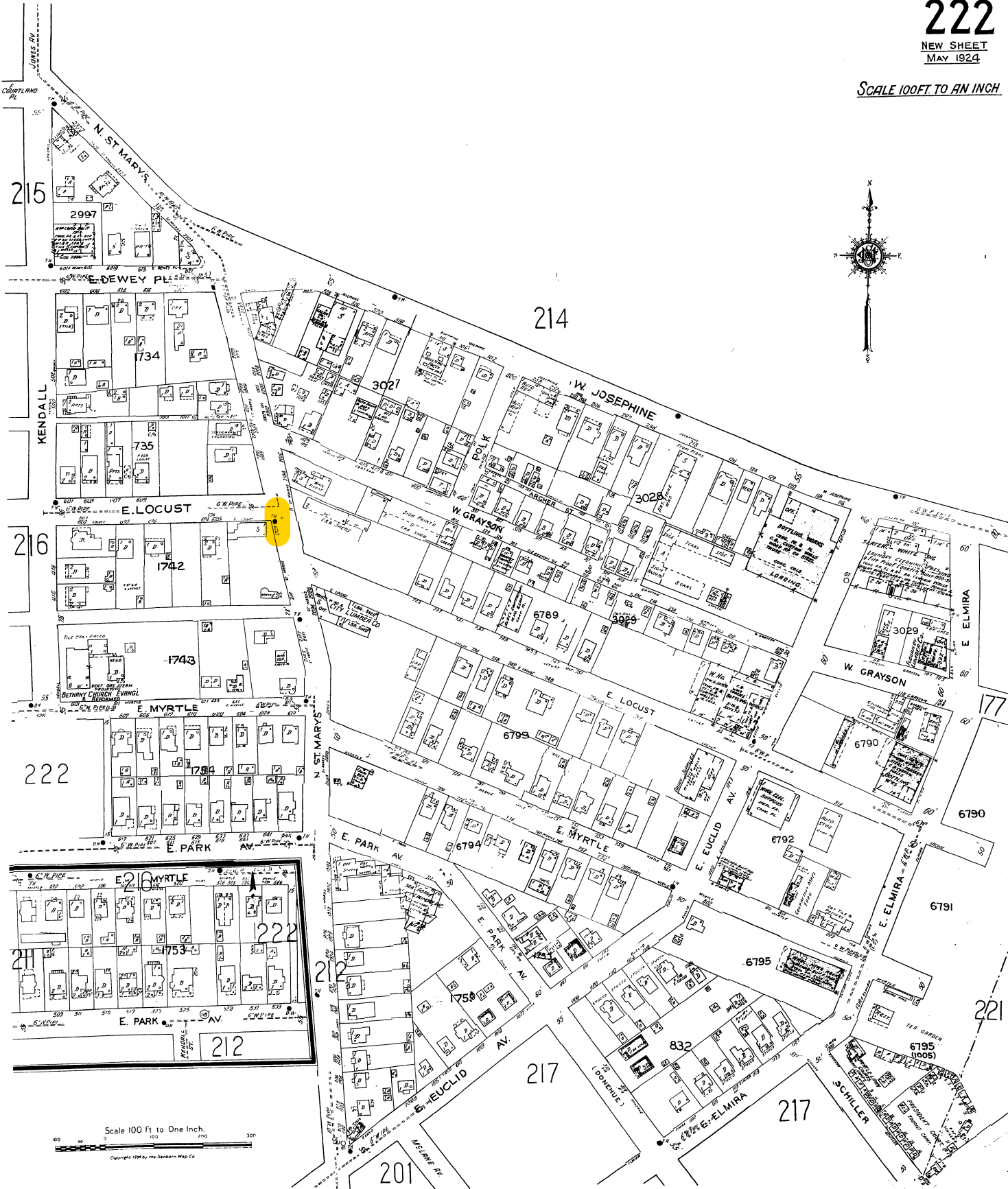








SCALE 100 FT TO AN INCH



Scale 100 Ft to One Inch.  
Copyright 1924 by the Sanborn Map Co





EAST ELEVATION - N. ST. MARY'S ST.



EAST ELEVATION - FRONT VIEW





FRONT ELEVATION



N. ST. MARY'S & LOCUST ST.





S.W. CORNER - N. ST. MARY'S & LOCUST ST.



NORTH ELEVATION - LOCUST ST.






EXISTING WROUGHT IRON FENCE



| REVISIONS |             |
|-----------|-------------|
| date      | description |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |



Design & Development Services

Jose M. Cueva

138 Jade Drive  
San Antonio, Texas 78209

Phone : (210) 573-8814  
Email: jmcueva@jmsn.com



SITE PLAN

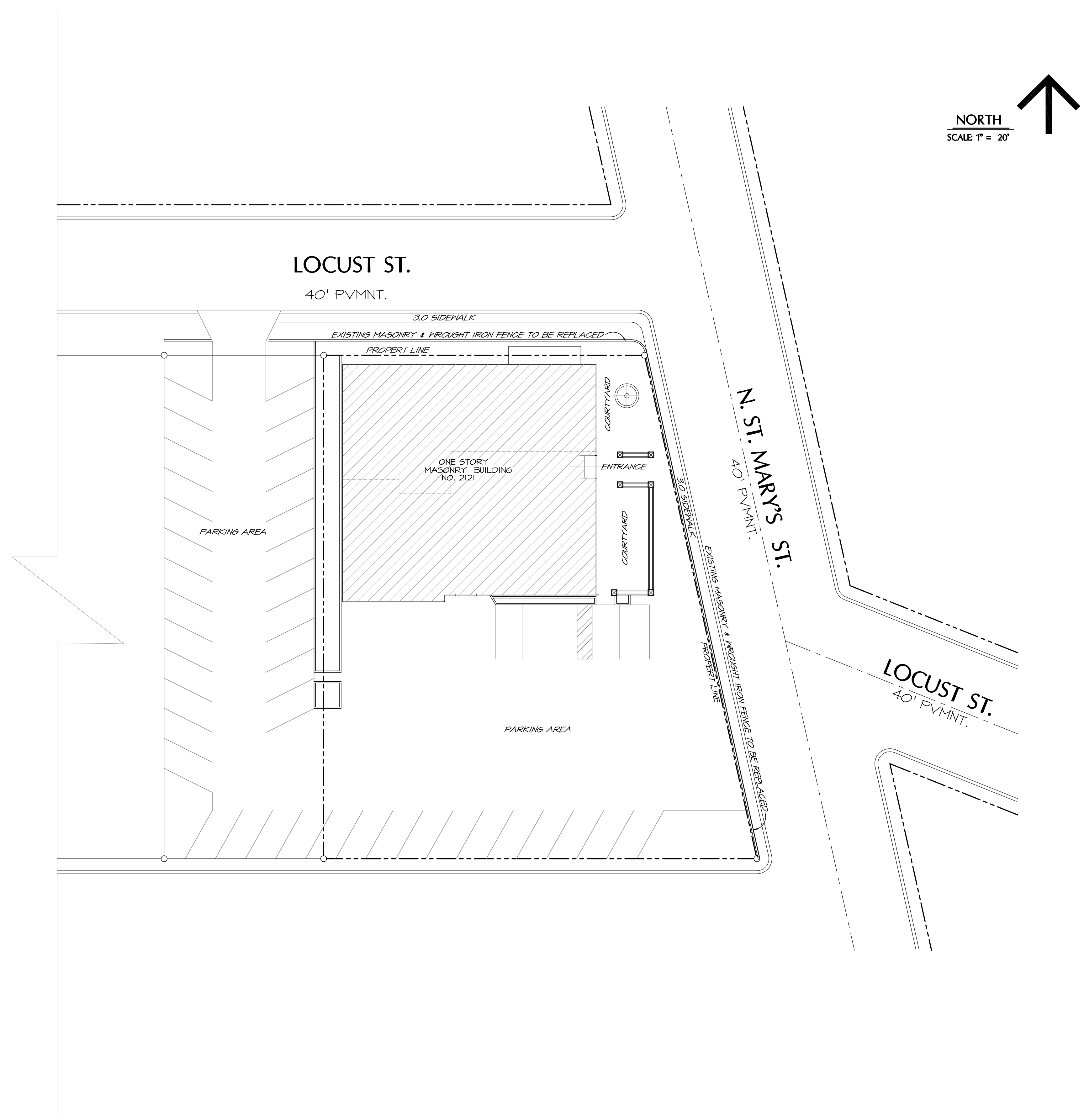
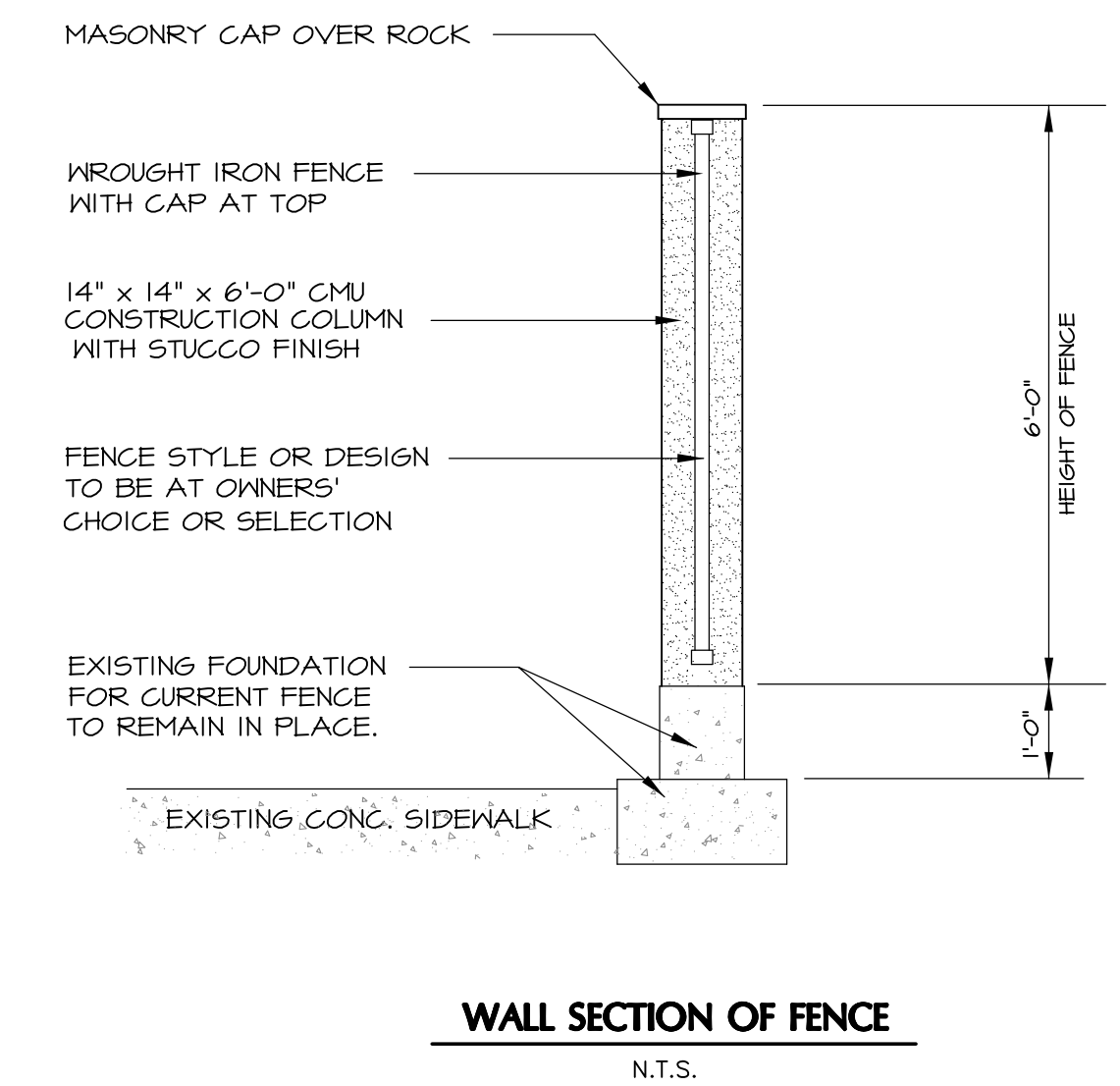
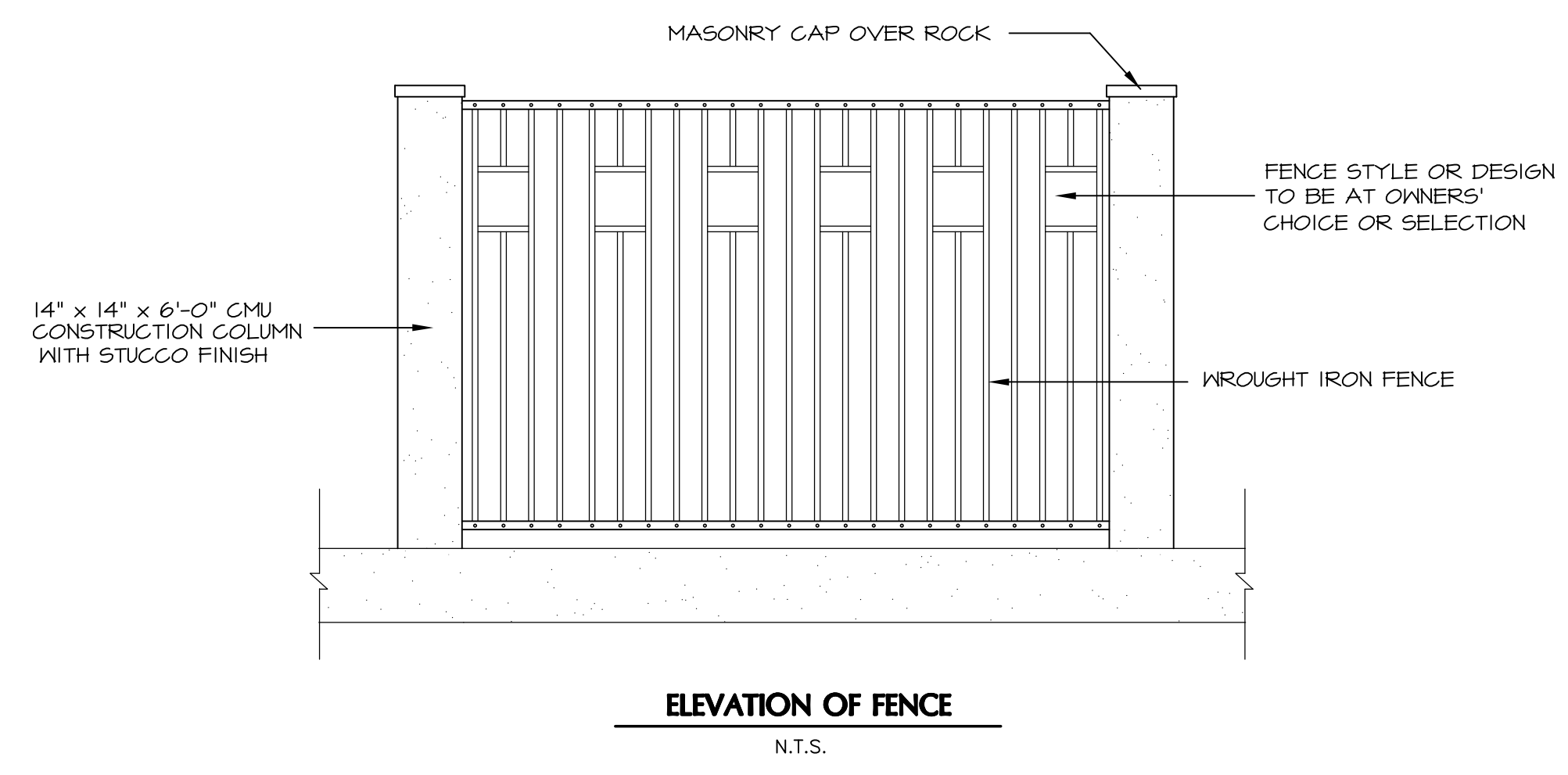
HACIENDA SANTA MARIA

2121 N. ST. MARY'S ST.

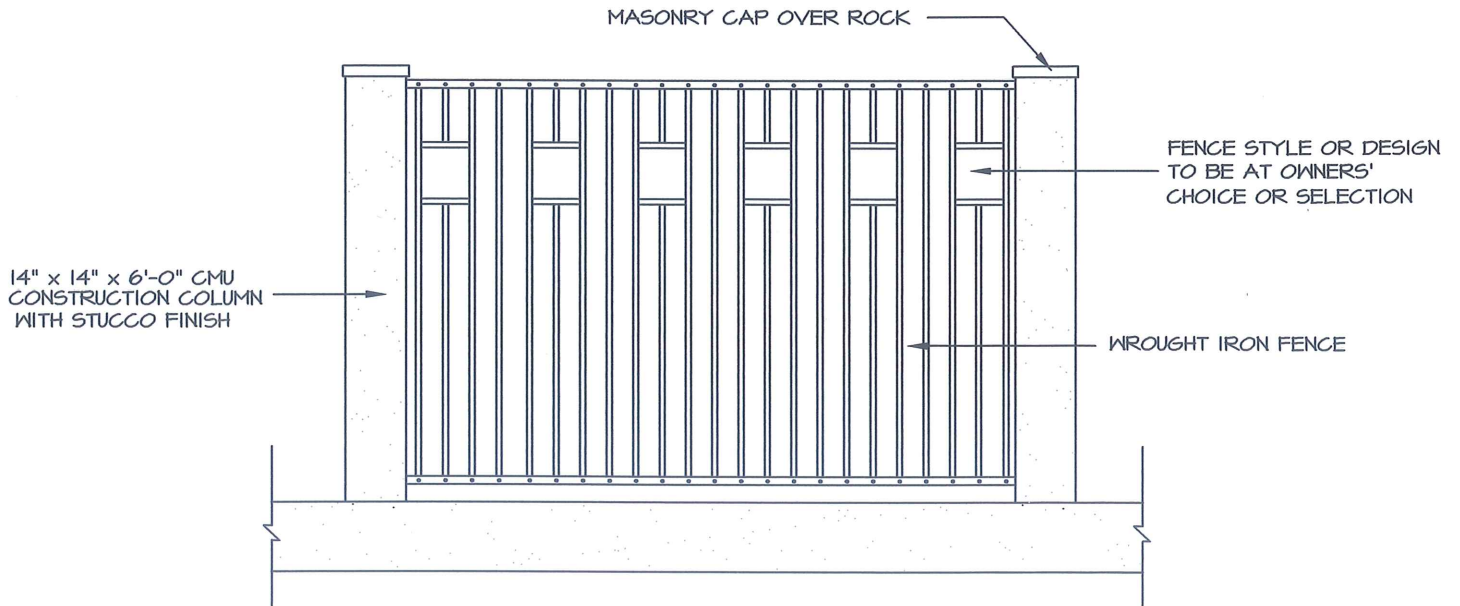
SAN ANTONIO, TEXAS

DATE: 04-25-13

SHEET NO.  
**1**

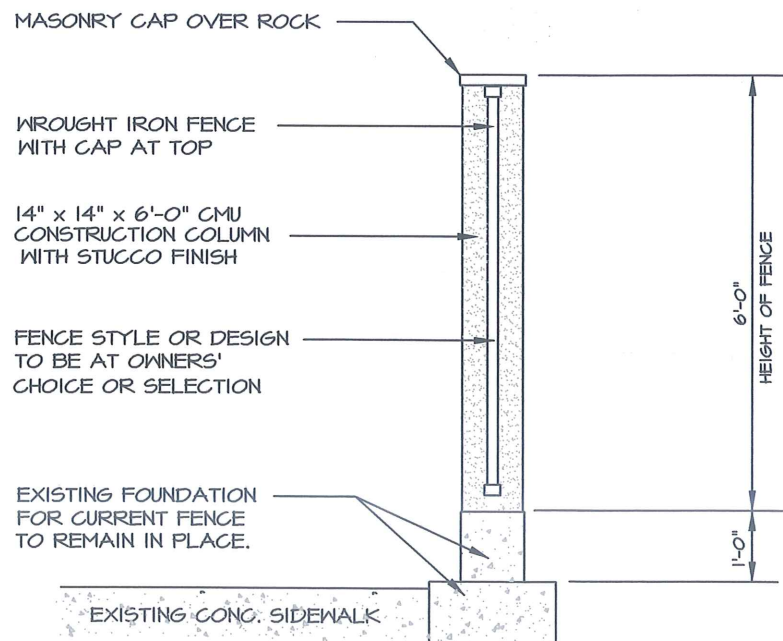


LOT E IRR 106FT. OF 6 &  
E IRR 118.4 FT OF 7 & E IRR 131 OF 8  
BLOCK 15 N.C.B. 1742



### ELEVATION OF FENCE

N.T.S.



### WALL SECTION OF FENCE

N.T.S.