

HISTORIC AND DESIGN REVIEW COMMISSION

June 20, 2018

HDRC CASE NO: 2018-289
ADDRESS: 130 W LULLWOOD AVE
LEGAL DESCRIPTION: NCB 6534 BLK 14 LOT 87 THRU 90
ZONING: R-5 H
CITY COUNCIL DIST.: 1
DISTRICT: Monte Vista Historic District
APPLICANT: Everett & Alessandra Allen
OWNER: Everett & Alessandra Allen
TYPE OF WORK: Installation of a 7.5 foot tall rear fence
APPLICATION RECEIVED: June 01, 2018
60-DAY REVIEW: July 30, 2018
REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to install a 7.5 foot tall rear fence.

APPLICABLE CITATIONS:

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 5'0" combined or predominantly open fence Except as provided by (b)(2)	6'0"	6'0"
Multi-Family Use (see also subsection 35-514 (f) below)	3'0" solid fence 5'0" combined or predominantly open fence	6'0"	6'0"
Commercial & Office Use	3'0" solid fence 5'0" combined or predominantly open fence	6'0"	6'0"
Industrial Use ¹	8'0" ¹	8'0" ¹	8'0" ¹

Government Facilities, Churches, Schools, Swimming Pools, Stormwater Management Facilities, & Parks (Public property, including parks, require HDRC review)	8'0"	8'0"	8'0"
Vacant Lots, Parking Lots	3'0" solid fence 6'0" combined or predominantly open (see also subsection 35 574 (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.

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 primary structure located at 130 W Lullwood Ave is a single family home constructed in 1929 in the Tudor Revival style. The home features several elements reflective of the Tudor style, including a massive chimney with decorative chimney pots, steeply pitched roof, and decorative half-timbering. The house was designed by architect Robert McGarraugh, who was prolific along the Lullwood corridor. The home is a contributing structure in the Monte Vista Historic District. The property is located on a corner lot and contains a rear accessory structure facing Howard St, also designed in the Tudor Revival style. The rear accessory structure is contributing to the Monte Vista Historic District. The applicant is requesting approval to install a new eight foot tall vertical wood plank privacy fence along the rear alley property line.
- b. **LOCATION** – The property is located at a corner lot at the intersection of W Lullwood Ave and Howard St. The

southern (rear) lot line fronts an unnamed alley bounded by Howard St to the west and McCullough Ave to the east. According to the Historic Design Guidelines, privacy fences should not be located in the front yard. The Guidelines also stipulate that fences should not be installed where they were not historically used. Privacy fences and walls are characteristic of the Monte Vista Historic District, including along the unnamed alley. Staff finds the location consistent with the Guidelines.

- c. **HEIGHT** – The proposed fence is to be approximately 7.5’ in height. According to the UDC, privacy fences in residential settings should be no taller than six feet unless it meets a requirement outlined in section 35-514(c)(2). According to City of San Antonio Zoning staff, this particular property is allowed an 8’ privacy fence along the rear alley without exception. Additionally, there is evidence of privacy fences and walls that are 7.5’ or taller in the direct vicinity, including across the alleyway. Historic Design Guidelines state that fences should be consistent with the height found on the property, in the vicinity of the property, and with those found in the historic district. Staff finds the privacy fence proposal consistent with the Guidelines and UDC based on the specific conditions of the property.
- d. **MATERIALITY** – According to the Guidelines, fences should be constructed of materials similar to fencing used historically in the district. In the Monte Vista Historic District, privacy fences and walls are commonly a reflection of the particular design style of the primary structure, and fences and screens made of unstained wood, stained wood, stucco, brick, stone, and other materials are common considering the eclectic styles found within the district. The applicant has proposed treated cedar planks installed vertically. Staff finds the proposal acceptable.

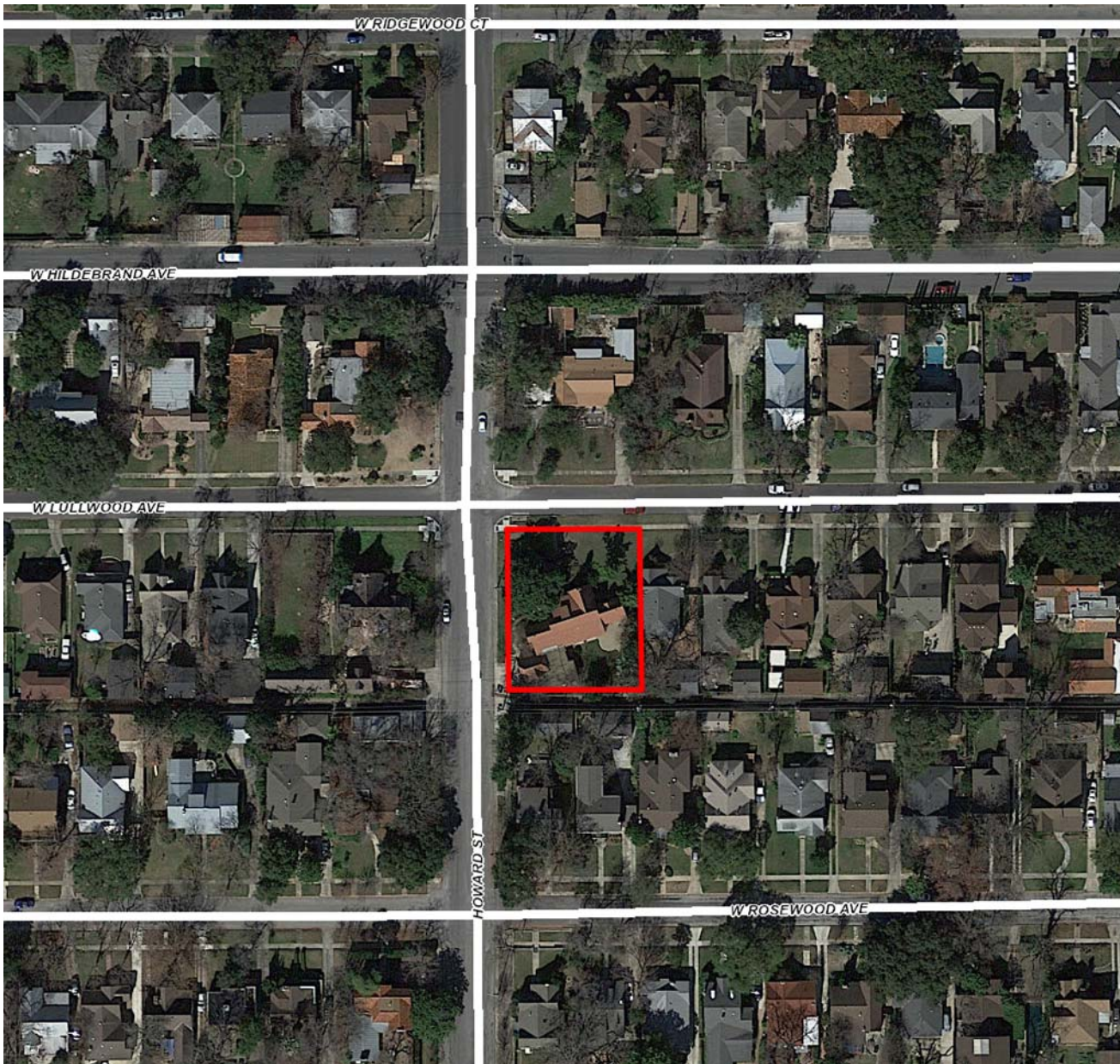
RECOMMENDATION:

Staff recommends approval based on findings a through d with the following stipulation:

- i. 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:

Stephanie Phillips



Flex Viewer

Powered by ArcGIS Server

Printed: Jun 11, 2018

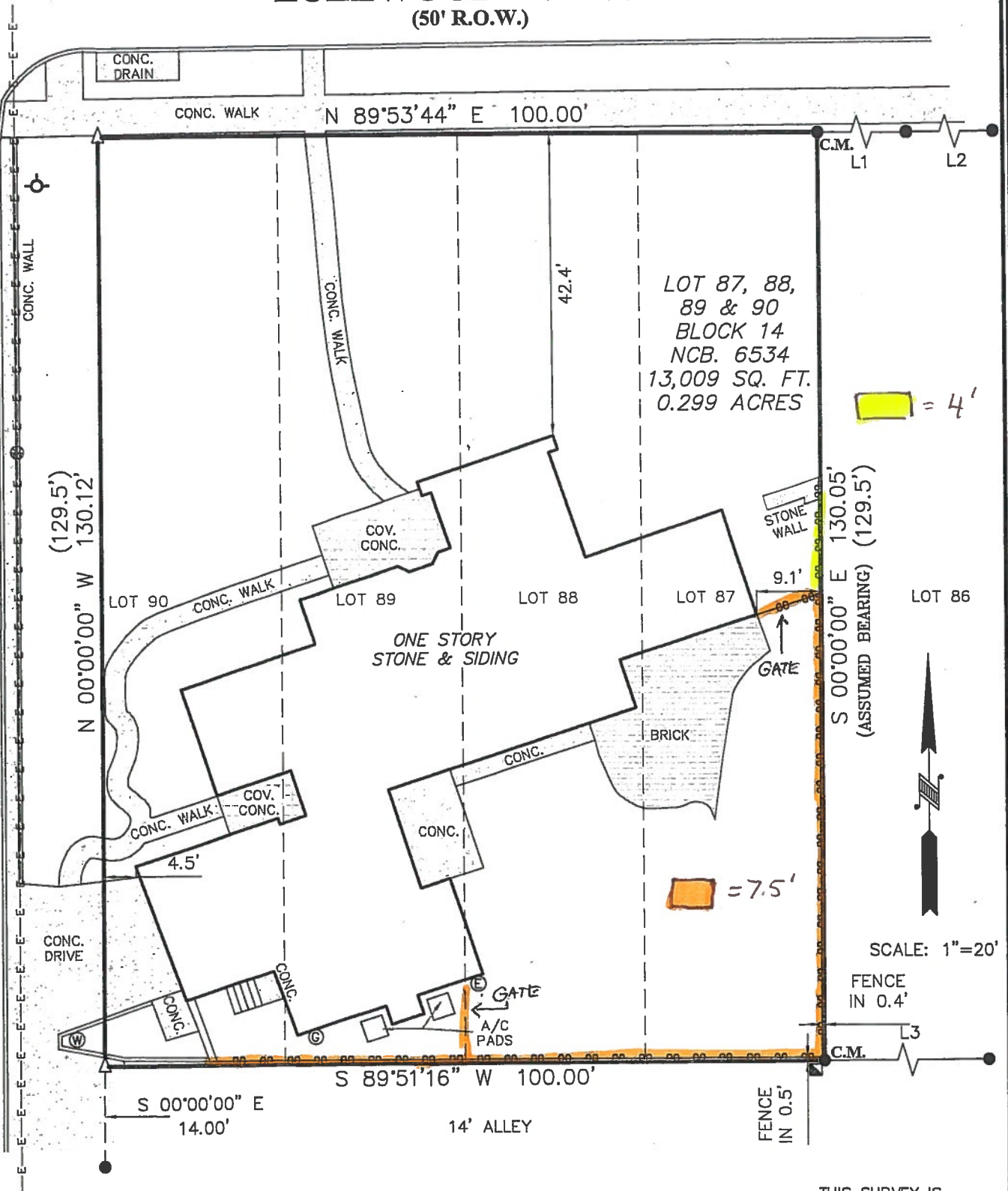
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LULLWOOD AVENUE (50' R.O.W.)

HOWARD STREET
(50' R.O.W.)



NOTE: THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOL. 642, PG. 284, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND VOL. 1129, PG. 286 (AFFECTS LOTS 22, 25-28), DEED RECORDS, BEXAR COUNTY, TEXAS.

NOTE: BEARINGS SHOWN HEREON ARE ASSUMED.

LINE	BEARING	DISTANCE
L1	S 89°53'44" W	99.72' (100')
L2	S 89°48'21" W	49.90' (50')
L3	S 89°34'12" W	100.18' (100')

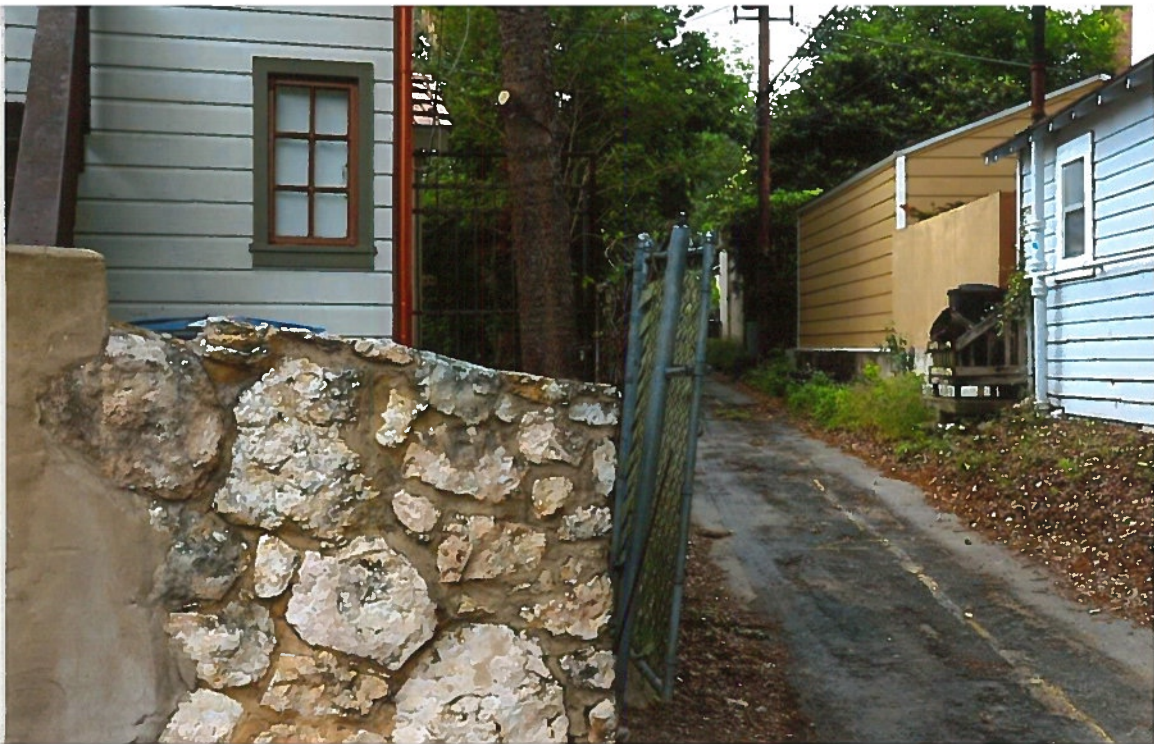
FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48029C, Panel No. 0405 G, which is Dated 09/29/2010. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the Interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/index.shtm>.

Property Address:
130 W. LULLWOOD AVENUE
Property Description:













8 ft

112 E. Lynwood

