

Case Number:	BOA-21-10300137
Applicant:	Mary Ellen Hardee
Owner:	Mary Ellen Hardee
Council District:	2
Location:	1123, 1127, 1129 North Hackberry Street
Legal Description:	Lots 3 and 4, NCB 513
Zoning:	“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic District Airport Hazard Overlay District and “C-2 H AHOD” Commercial Dignowity Hill Historic District Airport Hazard Overlay District
Case Manager:	Edward Hall, Sr. Historic Preservation Specialist, Office of Historic Preservation; Kayla Leal, Principal Planner, DSD

Request

An appeal of the Historic Preservation Officer’s approval of front yard fencing to not exceed four (4) feet in height.

Executive Summary

At the August 18, 2021, Historic and Design Review Commission hearing, the applicant’s request to install front yard fencing at 1123, 1127, and 1129 N Hackberry was approved with the stipulation that fencing not exceed four (4) feet in height. The applicant’s request for six (6) feet in height was not approved.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

There are no relevant permits that have been pulled for the subject property.

Zoning History

The subject property was located in the Original City Limits of San Antonio and was zoned “K” Commercial District. A portion of the property was rezoned from “K” to “R-2” Two Family Residence and the remaining portion of the property changed from “K” to “B-2” Business District, established by Ordinance 70785, dated December 14, 1989. Upon adoption of the Unified Development Code (Ordinance 93881, established May 3, 2001), the zoning converted from “R-2” and “B-2” to “RM-4” Residential Mixed District and “C-2” Commercial District, respectively. A portion of the property changed to from “RM-4” to “R-5” Residential Single-Family District on December 6, 2012, established by Ordinance 2012-12-06-0953.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 H AHOD” Residential Single-Family Dignowity Hill Historic District Airport Hazard Overlay District and “C-2 H AHOD” Commercial Dignowity Hill Historic District Airport Hazard Overlay District	Single-family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Electrical Contractor Facility
South	“RM-6 H AHOD” Residential Mixed Single-Family Dignowity Hill Historic District Airport Hazard Overlay District	Vacant Lot and Single-Family Residential
East	“RM-5 H AHOD” Residential Mixed Single-Family Dignowity Hill Historic District Airport Hazard Overlay District	Single-family Residential
West	“RM-6 H AHOD” Residential Mixed Single-Family Dignowity Hill Historic District Airport Hazard Overlay District	Single-family Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the Dignowity Hill Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Dignowity Hill Neighborhood Association, and they were notified of this application.

Street Classification

North Hackberry Street is classified as a Local Road.

Applicable Citations for Appeal:

Historic Design Guidelines, Chapter 5, Guidelines for Site Elements

Historic Design Guidelines, Chapter 5, Guidelines for Site Elements

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.
- vi. 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. A request to install front yard fencing around the lot at 1123, 1127, and 1129 N Hackberry Street was reviewed by the Historic and Design Review Commission on August 18, 2021. At that time, the applicant's request included the installation of a wrought iron fence to feature six (6) feet in height.
- b. The Guidelines for Site Elements 2.B. notes that fences and walls should appear similar to those found historically within the district in terms of their scale, transparency, and character; that fences should be installed where appropriate historically, should be limited to four (4) feet within the front yard and should be constructed of materials similar to those found historically within the district. OHP staff's recommendation for fencing to not exceed four (4) feet in the front yard was consistent with the Historic Design Guidelines. This requirement is based on the development pattern of the area which is predominately residential. The underlying zoning of the property is not considered.
- c. The Historic and Design Review Commission approved the installation of fencing with the stipulation that the fencing not exceed four (4) feet in height, consistent with the Historic Design Guidelines.

OHP Staff Recommendation to the Board of Adjustment

Office of Historic Preservation Staff does not recommend approval of the appeal.

Staff Recommendation

Staff recommends that the Board of Adjustment uphold the Historic Preservation Officer's approval of front yard fencing that is not to exceed four (4) feet in height.