



City of San Antonio

Legislation Details (With Text)

File #: 17-3179

Type: Zoning Case

In control: Board of Adjustment

On agenda: 5/15/2017

Title: A-17-100: A request by Jaime Herrera for a variance from the provision that prohibits corrugated metal as a fencing material, located at 530 Weizmann Street. Staff recommends Approval. (Council District 1)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Supporting Documents

Date	Ver.	Action By	Action	Result
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Case Number: A-17-100

Applicant: Jaime Herrera

Owner: Jaime and Lucy Herrera

Council District: 1

Location: 530 Weizmann Street

Legal: Lot E. 40 ft. of 4 & W. 20 ft. of 5, Block 16, NCB 9685

Description:

Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

Case Manager: Oscar Aguilera, Planner

Request

A request for a request for a variance from the provision (Sec. 35-514(6)(d)) that prohibits corrugated metal as a fencing material.

Executive Summary

The applicant built a corrugated metal fence without first obtaining the required permits. The applicant was cited by code enforcement and now the applicant is requesting a variance to keep the fence as is.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within Greater Dellview Area Community Plan and designated as Low Density Residential. The subject property is located within the boundaries of the North Central Neighborhood Association and it was notified of the requested variance.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by fence restrictions in order to provide orderly development and encourage a sense of community. The corrugated metal fence has a minimal view from the street, it is well built, it was built with a guard, and the design and color of the fence matches the home. The fence does not present a public safety issue and does not present a negative impact to the welfare of the public. Therefore, the variance request would not be contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

The applicant has indicated that the soil underneath the fence is unstable and a wood fence can’t withstand the movement from the ground. The corrugated metal fence will endure the movement from the ground a lot better than the wood fence. Therefore, allowing the applicant to be able to fence and protect his property.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The design of the fence has a minimal view from the street, is well built, was built with a guard, and the design and color of the fence matches the home.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The proposed fence will meet the height requirements of the code. The corrugated metal fence is well built, it was built with a guard, and the design and color of the fence matches the home. The fence does not present a public safety issue and does not present a negative impact to the welfare of the public. By granting the applicant's request for a variance, the proposed fence will maintain the harmony and character of the district.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The soil underneath the fence is unstable and a wood fence can't withstand the movement from the ground. The corrugated metal fence will endure the movement from the ground a lot better. Therefore, allowing the applicant to be able to fence and protect his property.

Alternative to Applicant's Request

The applicant could remove the corrugated metal fence and build a wood fence.

Staff Recommendation

Staff recommends **APPROVAL of A-17-100** based on the following findings of fact:

1. The corrugated metal fence complies with all other design requirements established in Sec. 35-514 of the UDC.
2. The proposed corrugated metal fence will serve to protect the subject property.