



City of San Antonio

Agenda Memorandum

File Number: 17-4689

Agenda Item Number: 9.

Agenda Date: 8/21/2017

In Control: Board of Adjustment

Case Number: A-17-154
Applicant: Victor Trejo
Owner: Victor Trejo
Council District: 4
Location: 218 Doolittle Street
Legal: Lot 22, Block 4, NCB 11216
Description:
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Oscar Aguilera Planner

Request

A request for 1) a variance to allow metal as a fencing material in the rear and side yard as described in Section 35-514 (6)(d) and 2) a variance from the 50 percent maximum front yard impervious cover to allow 80 percent impervious cover, as described in Table 35-515-1.

Executive Summary

The applicant built a corrugated metal fence without first obtaining the required permit. The applicant was cited by code enforcement and now is requesting a variance to keep the fence as is. On March 16, 2017, the owner hired a contractor to install a one driveway approach for the property and since the City does not require a permit for most flatwork, most of the front yard was paved by the contractor at the same time. The flatwork done in the front yard did not meet the impervious cover requirement.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use

North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings, Vacant lots
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings, Vacant lots
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The property is within Heritage South Sector Plan and designated as Suburban Tier. The subject property is not located within the boundaries of a neighborhood association.

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.*

In this case, the public interest is represented by fence restrictions and by the limitation of 50% impervious cover for all front yards in order to provide orderly development and encourage a sense of community. The corrugated metal fence has a minimal view from the street, it was built with a guard, and the design and color of the fence matches the home. The impervious coverage limitation preserves storm water management by reducing runoff and increasing storm water travel times. The property has a southern drainage slope away from the street that allows the water drain into the open green area located within the property. The variance requests 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 stated that his hardship is that he was the victim of vandalism and theft and it is dangerous exiting and entering his property due to excessive traffic on the local street. Therefore, he wants to protect his property and family by installing a fence and paving his front yard with two driveway approaches in order to safely access and leave his property.. Therefore, the enforcing of the above code would result in unnecessary hardships since the fence protects his property and the two driveway approaches will keep his family safe when entering and leaving his property.

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

Substantial justice will be done as the design of the fence has a minimal view from the street, and the design and color of the fence matches the home, and the paved area is designed to prevent an excessive amount of water runoff from draining into the street.

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

The variance will not authorize the operation of a use other than those uses specifically authorized 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 fence does not present a public safety issue and does not have a negative impact on the welfare of the public since the fence meets the height requirement of the code. In addition, the purpose of the impervious coverage limitation is to reduce runoff and increase storm water travel times. The impervious coverage directs runoff on the subject property only and does not impact surrounding properties. Therefore, the requested variance will not injure the neighbors and the request will be in harmony with the neighborhood.

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 plight of the owner is that he was the victim of vandalism and theft and would like to protect his property by installing a fence. In addition, there is excessive traffic that poses a danger for his family to safely access and leave his property.

Alternative to Applicant's Request

The applicant could build a fence with permitted materials and remove the excess percentage of payment. .

Staff Recommendation

Staff recommends **APPROVAL of the requested variances in A-17-154**, based on the following findings of fact:

1. The corrugated metal fence complies with all other design requirements established in the UDC;
2. The corrugated metal fence will serve to protect the subject property;
3. The variances are unlikely to have a negative impact on the adjacent properties;
4. The property has a southern drainage slope that allows water to drain within the property only.