



# City of San Antonio

## Agenda Memorandum

**File Number:** 18-2681

**Agenda Item Number:** 8.

**Agenda Date:** 4/2/2018

**In Control:** Board of Adjustment

**Case Number:** A-18-056  
**Applicant:** Mark Cloud  
**Owner:** Mark Cloud  
**Council District:** 10  
**Location:** 3526 Barrington Street  
**Legal:** Lot 11, Block 1, NCB 14086  
**Description:**  
**Zoning:** "NP-15 AHOD" Neighborhood Preservation Airport Hazard Overlay District  
**Case Manager:** Debora Gonzalez, Senior Planner

### Request

A request for 1) a special exception, as described in Section 35-514, to allow an eight foot eight inch tall privacy fence along the west property line in the rear yard and 2) a special exception, as described in Section 35-514, to allow an eight foot two inch tall privacy fence in a portion of the front yard of the property.

### Executive Summary

The subject property is located at 3526 Barrington Street, 320 feet east of Carriage Drive. The applicant added an eight foot and two inch tall privacy fence in a portion of the front yard of the property and an eight foot and eight inch tall privacy fence along the side property line in the rear yard. Lastly, during field visits the applicant stated that he will be adding eight foot tall shrubs in front of "L" fence portion in the front yard of the property.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"NP-15 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
-------------	-----------------------------	--------------

North	“NP-15 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	“NP-15 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	“NP-15 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	“NP-15 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the San Antonio International Airport Vicinity Land Use Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of The Greater Marymont Area Neighborhood Association. As such, they were notified and asked to comment.

**Criteria for Review**

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

*A. The special exception will be in harmony with the spirit and purpose of the chapter.*

The spirit of the chapter is intended to provide for reasonable protections to property owners and to establish a sense of community within our neighborhoods. The requests for the portion fence in the front yard and the side fence, as built, tower over other, nearby fences, and are out of character within the community in which it is located. Staff finds that these requests are not in harmony with the spirit and purpose of the chapter and it differs from other properties in the neighborhood.

**Alternatively, staff could support a fence up to seven feet on the side of the property which will be leveled out with the neighboring property. Further, staff also supports up to six feet tall privacy fence in a portion of the front yard of the property that will be more congruent with neighboring properties and maintain the character of the community.**

*B. The public welfare and convenience will be substantially served.*

Staff is unable to establish a special condition that would allow for an eight foot eight inch tall privacy fence along the side property line and an eight foot two inch tall privacy fence in a portion of the front yard of the property.

**Staff recommends a seven foot fence on the side of the property which will be leveled out with the neighboring property and up to six feet tall privacy fence in a portion of the front yard of the property allowing the applicant to help create a private environment.**

*C. The neighboring property will not be substantially injured by such proposed use.*

The fences are not consistent with surrounding properties and allowing this one property owner to have an eight foot eight inch tall privacy fence and an eight foot two inch privacy fence negatively affects the design consistency within the neighborhood.

**Rather, staff finds alternatives to approve a seven foot fence on the side of the property and up to six feet tall privacy fence in a portion of the front yard of the property these would satisfy the applicant’s needs with less adverse impact on adjacent property.**

*D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.*

This portion fence is the only eight foot eight inch tall fence on Barrington Street that staff identified. The eight foot eight fence also creates inconsistency and both fences do alter the essential character of the community in which the property is located.

**Staff finds that a six feet tall privacy fence in a portion of the front yard and a seven foot fence on the side of the property which will be level with the neighboring property can satisfy the applicant's need to screen his property and have less of an impact on neighbors.**

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

The property is located within the "NP-15" Neighborhood Preservation Family District and permits the current use of a single-family home. The fencing regulations are established to ensure consistency within our communities, and it is difficult to establish how granting the requested special exceptions will not weaken that purpose.

**Staff is supportive of a six feet tall privacy fence in a portion of the front yard a seven foot tall fence along the side property line as both fence heights are consistent with the adjacent properties.**

#### **Alternative to Applicant's Request**

Without the requested special exceptions, the eight foot eight inch tall privacy fence in the rear yard and an eight foot two inch tall privacy fence in a portion of the front yard of the property cannot remain as built.

#### **Staff Recommendation**

Staff recommends **DENIAL with an alternative recommendation of the requested special exception for up to six feet tall privacy fence in a portion of the front yard in A-18-056**, based on the following findings of fact:

1. The request does not observe the spirit of the ordinance, and;
2. The applicant could modify the fence to six feet tall privacy fence in a portion of the front yard to be in consistency with the neighboring properties fence.

Staff recommends **DENIAL with an alternative recommendation of the requested special exception for a seven foot fence in A-18-056**, based on the following findings of fact:

1. The request does not observe the spirit of the ordinance, and;
2. The applicant could modify the fence to seven feet tall along the side of the property to be level with the neighboring properties fence.