



City of San Antonio

Legislation Details (With Text)

File #: 17-5468
Type: Zoning Case
In control: Board of Adjustment
On agenda: 10/2/2017
Title: A-17-165: A request by the Assistance League of San Antonio for a special exception to allow an eight foot tall wrought iron fence in the side and rear yard, located at 2611 West Avenue. Staff recommends Approval. (Council District 1)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-17-165 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-165
Applicant: Robert Muchew
Owner: Assistance League of San Antonio
Council District: 1
Location: 2611 West Avenue
Legal Description: East 136.23 Feet of the North 90 Feet of Lot 7, Block 6,
Description: NCB 10378
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager: Oscar Aguilera, Planner

Request

A request for a special exception, as described in Section 35-399.04, to allow an 8 foot tall wrought iron fence in the rear yard.

Executive Summary

The Assistance League of San Antonio operates a thrift shop within the property. The applicant is requesting to build an 8 foot wrought iron fence on the side and rear of the property. The applicant reports that there has been criminal activity and homeless people loitering within the property. The applicant advised that the store is run by elder volunteers to provide services to children and that they would like to provide increased protection. The applicant feels that the fence is necessary to preclude individuals from climbing over and to protect the volunteers and children at the property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“C-2 AHOD” Commercial Airport Hazard Overlay District	Thrift Store
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 AHOD” Commercial Airport Hazard Overlay District, “C-1 AHOD” Light Commercial Airport Hazard Overlay District	Salvation Army, Vacant Commercial, Church, Auto Repair
South	“C-2 AHOD” Commercial Airport Hazard Overlay District, “C-3NA AHOD” General Commercial Nonalcoholic Sales Airport Hazard Overlay District, “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling, Retail Center, Vacant Land, Auto Dealer, Law Firm
East	“C-2P CD AHOD” Commercial Pedestrian Airport Hazard Overlay District with a Conditional Use for a Pawn Shop, “C-1 AHOD” Light Commercial Airport Hazard Overlay District, “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling, Pawn Shop, Gas Station, Auto Insurance
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Greater Dellview Area Community Plan and currently designated Community Commercial in the future land use component of the plan. The subject property is located within the Dellview 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 special exception to be granted, 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 request for an eight foot metal fence along the side and rear property line is in harmony with the spirit and purpose of the chapter as the fence is intended to protect the staff and clients.

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

Allowing the property owner to install an eight foot metal fence along the side and rear property line will help to prevent acts of trespass in the future and ensure the safety of staff and clients. Therefore, the public welfare and convenience will be substantially served.

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

Granting the requested special exception will not substantially injure the neighboring properties as the fence will be able to protect the subject property from trespass and ensure the safety of employees and clients.

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.

The eight foot metal fencing along the side and rear property line would not significantly alter the overall appearance of the district and will provide the required safety for the clients and staff.

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

The purpose of the fencing standards is to protect the health, safety and general welfare of the public. The special exception request is to add security for the staff and clients. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant could follow the guidelines for front fence heights, as described in 35-514 (d).

Staff Recommendation

Staff recommends **APPROVAL** of A-17-165 based on the following findings of fact:

1. The fence will protect the property, staff, and clients from crime and trespass;
2. The fence style will be in keeping with the character of the neighborhood.