



City of San Antonio

Agenda Memorandum

File Number:16-3493

Agenda Item Number: 5.

Agenda Date: 6/6/2016

In Control: Board of Adjustment

Case Number: A-16-091
Applicant: Carl Stewart
Owner: Carl Stewart
Council District: 2
Location: 527 Eleanor Avenue
Legal Description: Lot E 62.5FT of W 125FT of 2, Block 5, NCB 6212
Zoning: "MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood
Conservation Overlay Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for a special exception from the Mahncke Park Neighborhood Conservation District fencing design regulations and Section 35-514 to allow a solid screen fence as tall as 8 feet in a portion of the front yard of the property.

Executive Summary

The subject property is located at 527 Eleanor Avenue, in the Mahncke Park Neighborhood Conservation District, approximately 475 feet west of North New Braunfels Avenue. The applicant is seeking a special exception to allow for taller privacy fencing along the east property line. This property line is shared with an adjacent multi-family development and the owner of the subject property wishes to install the fencing for increased privacy of the dwelling. The applicant stated that the adjacent multi-family driveway is used for access for routine trash pickup.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-33 NCD-6 AHOD" Multi-Family Mahncke Park Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling
South	“MR AHOD” Military Reserve Airport Hazard Overlay District	Ft. Sam Houston
East	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Overlay Airport Hazard Overlay District	Multi-Family Dwelling
West	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Mahncke Park Neighborhood Plan and currently designated as Urban Multi-Family Residential in the future land use component of the plan. The subject property is within the Mahncke Park Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

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 UDC allows residential fencing up to eight feet in height to be permitted by a special exception. A section of the fence, extending from the rear property line to a point eight and a half feet beyond the front wall of the home is eight feet tall. An additional 16 feet of fencing beyond that is to be six feet tall. Because the fencing is within the allowed height limits, staff finds that it is consistent with the spirit and purpose of the chapter.

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

The public welfare and convenience can be served by the added protection of this side yard fence, allowing the owner additional privacy and screening from a more intense, adjacent multi-family use.

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

Staff finds that it is unlikely that the adjacent multi-family development will be harmed by the requested special exception.

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 subject property is located within the boundaries of the Mahncke Park Neighborhood Conservation District. The NCD design requirement are established to ensure design consistency in future development within the neighborhood, and to protect the existing residential housing designs. While this fence does not comply with the Mahncke Park NCD standards, staff finds that the proximity of this single-family dwelling to the adjacent multi-family development merits some relief from the standards.

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 single-family residential zoning districts is to encourage patterns of residential development that provide housing choices and a sense of community. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant would need to build a fence that complied with the Mahncke Park NCD design requirements.

Staff Recommendation

Staff recommends **APPROVAL of variance request in A-16-091** based on the following findings of fact:

1. The special exception will help to provide privacy enjoyed by other property owners in the neighborhood.
2. The fence is located only along that portion of the property that abuts the multi-family development.