



City of San Antonio

Agenda Memorandum

File Number:16-3494

Agenda Item Number: 6.

Agenda Date: 6/6/2016

In Control: Board of Adjustment

Case Number: A-16-095
Applicant: John Adam McDowell
Owner: J Adams Properties LLC
Council District: 1
Location: 925 West Magnolia
Legal Description: Lots 34 & 35, Block 32, NCB 1821
Zoning: "R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill
Neighborhood Conservation Overlay Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for a special exception, as described in Section 35-514, to allow a fence as tall as six feet in the front yard of the property.

Executive Summary

The subject property is located at 925 West Magnolia, in the Beacon Hill Neighborhood Conservation District, approximately 295 feet west of Blanco Road. 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 and to screen the property from the abutting trash receptacles. The applicant also states that while renovating the home the property has been burglarized twice and hopes that the fence will help to deter the thefts.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 NCD-5 AHOD" Residential Single-Family Beacon Hill 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 Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling
South	“MF-33 NCD-6 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay District	Church
East	“MF-33 NCD-6 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay District	Multi-Family Dwelling
West	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Midtown Neighborhood Plan and currently designated as Low-Density Residential in the future land use component of the plan. The subject property is within the Beacon Hill 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. The property owner replaced a chain link fence with a six foot tall wood privacy fence along the east property line. The fence is set back from the street approximately 30 feet and, therefore, does not interfere with clear vision requirements. The applicant also wishes to build a 5’6” wrought iron fence, with slightly taller stone columns, for decorative purposes, in the front yard of the property. Staff finds that the special exception request is in harmony 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 Beacon Hill Neighborhood Conservation District. The NCD design requirements 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 Beacon Hill 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 Beacon Hill NCD design requirements and UDC fence code.

Staff Recommendation

Staff recommends **APPROVAL of variance request in A-16-095** based on the following findings of fact:

1. The special exception will help to provide privacy enjoyed by other property owners in the neighborhood.