



City of San Antonio

Agenda Memorandum

File Number:16-5682

Agenda Item Number: 6.

Agenda Date: 11/7/2016

In Control: Board of Adjustment

Case Number: A-16-181
Applicant: Robert Jaramillo, Jr.
Owner: Robert Jaramillo, Jr.
Council District: 5
Location: 800 Cincinnati Avenue
Legal Description: Lots 1 & 2, Block 15, NCB 2024
Zoning: "C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a special exception to allow for the construction of a fence that is as high as eight feet high in the side and rear yard of the property, as described in Section 35-514.

Executive Summary

The subject property is located on the corner of Cincinnati and Calaveras, just west of Interstate 10. The building was vacant for a few years prior to the applicant's purchase and had been used as a haven for illegal activities. According to the application, the location across from a convenience store had a negative impact on his property. The applicant submitted evidence of trash dumped on the side yard, along with graffiti on the building. In his effort to address the habitual occupation of the property, he installed the eight foot fence and was cited by Code Compliance. His fencing does not qualify for one of the special conditions that warrant the allowance of additional height by right as the fence is not located along a street classification more intense than a Local Street, nor does the fence directly abut a residential property. He is seeking a special exception to keep the fence as constructed, and asserts that it has reduced the illegal activity in the area.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-2 AHOD" Commercial Airport Hazard Overlay District	Commercial Use

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 AHOD" Commercial Airport Hazard Overlay District	Single-Family Dwelling

South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“C-2 AHOD” Commercial Airport Hazard Overlay District	Gasoline Service Station
West	“C-2 AHOD” Commercial Airport Hazard Overlay District	Office

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Plan and currently designated Urban Low-Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of a registered Neighborhood Association.

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 UDC allows fences as tall as eight feet as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. If granted, this request would be harmony with the spirit and purpose of the ordinance.

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

The public welfare and convenience can be served through the added protection of a rear yard fence, allowing the owner to protect his property on this busy commercial corner.

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

The rear fence will create enhanced security for the subject property and is highly unlikely to injure adjacent properties.

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.

Tall fencing is permitted along collector streets and between conflicting land uses. Thus, granting the exception will not alter the character of the district.

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 commercial zoning district is to provide convenient services to the surrounding neighborhood, without impacting the residential uses nearby. 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 fence heights, as described in 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of the special exception in **A-16-181** based on the following findings of fact:

1. The fence satisfies the established standards for special exceptions. 2. The fence will be in harmony with the spirit and purpose of the UDC.