



City of San Antonio

Agenda Memorandum

File Number:17-6294

Agenda Item Number: 3.

Agenda Date: 11/20/2017

In Control: Board of Adjustment

Case Number: A-17-198
Applicant: Jake Jacobson
Owner: NO NAME CAY LLC
Council District: 7
Location: 125 De Chantle Drive
Legal: Lot 16H, NCB 8407
Description:
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 a seven foot tall predominantly open fence around the property.

Executive Summary

The subject property was a carwash and now it operates as a storage facility for the carwash company. The applicant advised that they have a lot of problems with people loitering within the property, the property is constantly vandalized, and unknown offender(s) are stealing the carwash equipment at night. The applicant submitted several police reports for burglary and criminal damage to the property. The applicant would like to protect his property and investment by placing a predominantly open seven foot tall fence around the property.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 AHOD" Commercial Airport Hazard Overlay District	Retail Center

South	“C-2 AHOD” Commercial Airport Hazard Overlay District, “C-3 AHOD” General Commercial Airport Hazard Overlay District, “MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Retail Center, Apartments
East	“C-2 AHOD” Commercial Airport Hazard	Retail Center
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Apartments

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Near Northwest Community Plan and currently designated High Density Residential in the future land use component of the plan. The subject property is located within the Maverick 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 a seven foot predominantly open fence around the property line is in harmony with the spirit and purpose of the chapter as the fence is intended to protect the property and there are similar fences within the district.

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

Allowing the property owner to place a seven foot fence around the property line will help to prevent acts of trespass, theft, and vandalism in the future and ensure the safety of the owner’s property. 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, theft, and vandalism. In addition there are similar fences 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.

The predominately open seven foot fencing around the front property line would not significantly alter the overall appearance of the district since there are similar fences on adjacent property.

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 allow a seven foot predominantly open fence in order 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-17-193 based on the following findings of fact:

1. The fence will protect the property owner from theft, vandalism, and trespass; and
2. The fence style will be in keeping with the character of the community.