



City of San Antonio

Agenda Memorandum

File Number:18-3466

Agenda Item Number: 6.

Agenda Date: 5/21/2018

In Control: Board of Adjustment

Case Number: A-18-086
Applicant: Amalia Berumen
Owner: Amalia Berumen
Council District: 1
Location: 2016 Lyons Street
Legal: Lot 14, Block 7, NCB 2143
Description:
Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District
Case Manager: Dominic Silva, Planner

Request

A request for a special exception, as described in Section 35-514, to allow a 5'5" tall privacy fence along a portion of the front property line.

Executive Summary

The subject property is located at 2016 Lyons Street, 466' west of North Hamilton Avenue. The applicant added a 5'5" tall privacy fence in a portion of the front yard of the property to increase security for the property and the applicant.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|-----------------------|
| "MF-33 AHOD" Multi-Family Airport Hazard Overlay District | Multi-Family Dwelling |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|-----------------------------|--------------|
|-------------|-----------------------------|--------------|

| | | |
|-------|---|-----------------------|
| North | "MF-33 AHOD" Multi-Family Airport Hazard Overlay District | Multi-Family Dwelling |
| South | "MF-33 AHOD" Multi-Family Airport Hazard Overlay District | Multi-Family Dwelling |
| East | "MF-33 AHOD" Multi-Family Airport Hazard Overlay District | Multi-Family Dwelling |
| West | "MF-33 AHOD" Multi-Family Airport Hazard Overlay District | Multi-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within the boundaries of any plan. The subject property is located within the boundaries of Prospect Hill/West End Hope in Action 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 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 states the Board of Adjustment can grant a special exception for a fence height modification up to eight feet. The additional fence height is intended to provide safety and security of the applicant's property. If granted, this request would be in harmony with the spirit and purpose of the ordinance.

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

In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. A 5'5" tall solid screen fence was built along a portion of the front property line to provide additional security for the property. This is not contrary to the public interest.

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

The fence will create enhanced security for the subject property and is highly unlikely to injure adjacent properties. Further, the fencing does not violate Clear Vision standards.

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 fencing does not detract from the character of the neighborhood. The fencing is in line with other preexisting fencing material and height within the immediate vicinity.

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

The property is located within the "MF-33 AHOD" Multi-Family Airport Hazard Overlay District and permits the current use. The requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

Without the requested special exceptions, the 5'5" tall privacy fence in the front of the property cannot remain as built.

Staff Recommendation

Staff recommends **APPROVAL** of the requested special exception for a 5'5" tall privacy fence in a portion of the front yard in **A-18-086**, based on the following findings of fact:

1. The request does not alter the essential character of the district, and;
2. The request does not interfere with Clear Vision standards.