



# City of San Antonio

## Agenda Memorandum

**File Number:**18-3946

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**Agenda Item Number:** 6.

**Agenda Date:** 6/18/2018

**In Control:** Board of Adjustment

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Case Number: A-18-086  
Applicant: Amalia Berumen  
Owner: Amalia Berumen  
Council District: 1  
Location: 2016 and 2018 Lyons Street  
Legal: Lots 12-14, 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 the front yard.

### **Executive Summary**

The subject property is located at 2016 and 2018 Lyons Street, 466' west of North Hamilton Avenue. The applicant added a 5'5" tall privacy along the front yard of the property to increase security for the property and the applicant. Currently, the tallest that a solid screen fence could be in 3' tall.

### **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 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 along 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.