



City of San Antonio

Agenda Memorandum

File Number:18-6078

Agenda Item Number: 3.

Agenda Date: 11/5/2018

In Control: Board of Adjustment

Case Number: A-18-168
Applicant: David Starr
Owner: David Starr
Council District: 2
Location: 227 Rittiman Road
Legal: Lot 46, NCB 8693
Description:
Zoning: "MF-33" Multi-Family District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a variance from the restriction against the use of corrugated metal as a fencing material, as described in Section 35-514, to allow for the use of corrugated metal for fencing.

Executive Summary

The subject property is located at 227 Rittiman Road, approximately 1529 feet east of Austin Highway. The applicant wishes to keep an 8' tall fence constructed of solid wood and corrugated metal within the rear and side yard of the property. The applicant got approval from the Board of Adjustments on February 19th, 2018 for an 8' tall solid wood fence. The applicant had previously stated that they needed the 8' fence to increase security in the subject property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-33" Multi-Family District	Multi-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2" Commercial District	Apartments
South	"OCL" Outside City Limits	Single-Family Dwelling

East	"R-4" Residential Single-Family District	Single-Family Dwelling
West	"C-2" Commercial District	Apartments

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Northeast Inner Loop Community Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Terrell Heights Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Rittiman Road is classified as a Secondary Arterial B.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the fence was built with solid wood framing the corrugated metal. The fence enhances aesthetics towards public view and meets the permitted fence height. The corrugated metal is not exposed at all throughout the perimeter of the property. If granted, this request would be harmony with the spirit and purpose of the ordinance.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

Allowing the applicant to keep the corrugated metal fence will help create a safe and private environment while enhancing aesthetics. Therefore, the public welfare and convenience will be substantially served.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Granting the variance will not substantially injure the neighboring properties as the fence will enhance safety and privacy for the subject property and is highly unlikely to injure adjacent properties.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the "MF-33" Multi-Family District.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The corrugated metal fence contributes to the character of the community. The fence will not impose any immediate threat to adjacent properties.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The unique circumstance in this case is that the new fence was built with a combination of fence materials not exposing the corrugated metal. It is difficult to establish how the request could harm adjacent owners or detract from the character of the community.

Alternative to Applicant's Request

The applicant would need to adhere to the permitted fence materials as described in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-168**, based on the following findings of fact:

1. The fence does not visually hinder the adjacent property's driveway or other motorists view.
2. The fence does not detract from the character of the community.