



City of San Antonio

Agenda Memorandum

File Number:18-6386

Agenda Item Number: 9.

Agenda Date: 11/19/2018

In Control: Board of Adjustment

Case Number: A-18-176
Applicant: Claudia Athens
Owner: Claudia Athens
Council District: 10
Location: 2910 Albin Drive
Legal: Lot 17, Block 2, NCB 11838
Description:
Zoning: "NP-8 AHOD" Neighborhood Preservation Airport Hazard
Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for 1) a special exception, as described in Section 35-514, to allow an 8' tall solid screen fence along east side and rear property line, and 2) a request for a variance from the Clear Vision standards to allow a fence to be within the Clear Vision field.

Executive Summary

The subject property is located at 2910 Albin Drive, approximately 180 feet east of Seidel Road. The applicant is seeking a special exception to allow a fence to be as tall as 8 feet along the east side property line meeting the 15 foot Clear Vision area. The applicant originally requested a variance to locate a portion of the fence within the Clear Vision field, but has since modified their request and is no longer pursuing a variance from the Clear Vision standards.

The subject property has had a similar fence height in the past, but is seeking to add a new fence. On July 16th, 2018 the Board approved an 8 foot tall solid screen fence along both side property lines for the adjacent property, located at 2922 Albin Drive. During field visits, staff noted that the neighbor's fence is still under construction. Staff further noted a fence opposite from the subject property, for which a replace fence permit was issued in September 2017, is built at approximately 8', also over the height limitations.

Code Enforcement History:

No Code Enforcement history exists on the property.

Permit History:

No permit history related to this proposed fence exists on the property. The property owner is seeking a variance to allow for permit to be issued.

Subject Property Zoning/Land Use:

Existing Zoning	Existing Use
“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

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

Street Classification

Albin Drive is classified as a Local Street.

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 UDC states the Board of Adjustment can grant a special exception for a fence height modification up to 8’. The additional fence height is intended to provide privacy 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. An 8’ tall solid screen fence will be built along the

east side property line to provide additional privacy 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 privacy 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.

Staff finds that an 8' solid screen fence on the east side of the property will give privacy to both neighbors. The previous side yard fence existed since 1983 but it lost its non-conforming status when it was removed.

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

Staff is supportive of an 8' solid screen fence along the east side property line as it creates privacy with adjacent property.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **APPROVAL** of the special exception in **A-18-092** based on the following findings of fact:

1. Allowing the 8 feet solid tall fence will provide privacy to the applicant.