



City of San Antonio

Agenda Memorandum

File Number:15-2285

Agenda Item Number: 5.

Agenda Date: 4/6/2015

In Control: Board of Adjustment

To: Board of Adjustment
Case Number: A-15-055
Date: April 06, 2015
Applicant: Josephine Torres
Owner: Josephine Torres
Council District: 7
Location: 5902 Monica Place
Legal Description: Lot 10, Block 4, NCB 13519
Zoning: "R-4 PUD AHOD" Residential Single-Family Planned Unit
Development Airport Hazard Overlay District
Prepared By: Logan Sparrow, Planner

Request

A request for a variance from the prohibition against sheet metal for use in fencing, as described in Section 35-514(a)(6)(d), to allow an 8 foot sheet metal fence in the rear yard of the property.

Executive Summary

The subject property is located at 5902 Monica Place approximately 286 feet south of Melissa Sue Drive. When the subdivision was initially built it was fenced in along the perimeter by an eight foot tall wooden privacy fence; this fence type and height is permitted by Section 35-514(g)2 "Residential Subdivision Perimeter Fencing". Over the years, the fence had fallen into disrepair, largely due to its age. The homeowner wanted to replace the fence with a new and more durable fence. The fence was built at eight feet tall along the rear property line and at six feet tall along the south property line with their neighbor, in the rear yard only. The fence has been built without the benefit of a fence permit and has been constructed of corrugated metal, a material prohibited by the Unified Development Code.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling
West	“C-2 NA AHOD” Commercial Non-Alcoholic Sales Airport Hazard Overlay District	Restaurant

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and designated General Urban Tier land use. The subject property is located within the boundaries of the Culebra Park registered neighborhood association. As such, the neighborhood association was notified and asked to comment.

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, these criteria are represented by fence height limitations to provide for safety, and also to promote a sense of community. Further, the public interest is represented by the prohibition against corrugated metal as a fencing type due to the image that it creates. Section 35-516(a)6D states that “sheet, roll, or corrugated metal” is not a permitted fencing material. Adjacent properties have eight foot tall wood privacy fencing that compliments the residential character of the land. The use of corrugated metal creates a mismatched look with adjacent properties and detracts from the character of the community.

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

A literal enforcement of the code would require that the applicant remove the corrugated metal fence that has been built on the property. The applicants would be permitted to install an eight foot tall wooden fence, similar to the neighbors. As the wooden material would effectively block sound, noise, and light from adjacent properties, staff finds that there is no special conditions present in this case to warrant the granting of the variance.

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

The spirit of the ordinance provides fencing height and design requirements to protect homes and also to encourage a sense of community. This fence creates a break with the consistency of residential fencing located within this community, which has the effect of detracting from the character of this district. Staff finds that by granting the variance, the spirit of the ordinance will not be observed and substantial justice will not be done.

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

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-4 PUD AHOD” Residential Single-Family Planned Unit Development Airport.

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 current fence detracts from the residential character of the community. The subdivision was originally provided with an eight foot tall wood privacy fence to protect the neighborhood from effects of living so near to a major arterial, being Callaghan Road. The perimeter fencing was designed to protect homes and offers a pleasant image that promoted the residential character. Having removed an 80 foot section of that fence and replacing it with corrugated metal has detracted from the residential character along the perimeter of the subdivision, which is easily seen from Callaghan Road, as well as local businesses. Additionally, the applicant has constructed a six foot tall corrugated metal fence along the property line with the homes to the south. This fence also detracts from the character of the neighborhood and creates a mismatched look with the adjacent property. Staff finds that the corrugated metal fence does negatively alter the character of the district in which the property is located.

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.

Staff is unable to find any unique circumstances present on the subject property to warrant the granting of the variance. An eight foot tall wood privacy fence would protect the home from noise, sounds, and light just as well as the corrugated metal fence, without detracting from the community.

Alternative to Applicant’s Request

The applicant needs to remove the corrugated metal and replace it with a wood fencing material.

Staff Recommendation

Staff recommends **DENIAL of A-15-055** based on the following findings of fact:

1. The existing fence detracts from the residential character of the community;
2. There are no unique circumstances present in this case to warrant the granting of the variance.