

Case Number:	BOA-22-10300267
Applicant:	Robin Knowlton
Owner:	Iglesia Evangelica Cristiana Espiritual
Council District:	5
Location:	817 West Mayfield
Legal Description:	Lot 374B, NCB 8524
Zoning:	“I-1 MLOD-2 MLR-1 AHOD” General Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and “R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Jake Exler, Planner

Request

A request for 1) an 8’-6” variance from the minimum 15’ clear vision requirement, as described in Section 35-514(a)(2), to allow a solid screened fence to be 6’-6” from the front curb, 2) a 25’ variance from the 25’ buffer, as described in Section 35-510, to allow an elimination of the rear and side buffer.

Executive Summary

The subject property is located along Mayfield on the southwest side near Lackland AFB. The applicant requested an adjustment for the elimination of the rear buffer. On the site visit, staff noticed the applicant constructed a combined brick and metal fence along the front property line. Staff observed that the fence is 6’-6” from the curb, short of the 15’ front setback requirement. Staff did not observe any abnormal physical features such as a slope on the property.

Code Enforcement History

The case has no Code Enforcement history.

Permit History

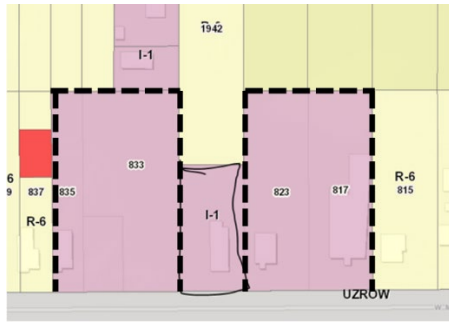
A residential fence permit for a 6’-5” privacy fence was not obtained. The fence permit is pending the outcome of the Board of Adjustment hearing.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 1391, dated September 22, 1944. The eastern and western portions were zoned “I-1” Light Industry District and the central portion was zoned “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the western and eastern portion of the property zoned “I-1” Light Industry District converted to the current “I-1” General Industrial District and the central portion converted to the current “R-6” Residential Single-Family District.

Buffer Requirements

Buffers are only required on the portions zoned “I-1” as outlined on the map below.



Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“I-1 MLOD-2 MLR-1 AHOD” General Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Church

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District AND “I-1 MLOD-2 MLR-1 AHOD” General Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence AND Church AND Park
South	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District AND “I-1 MLOD-2 MLR-1 AHOD” General Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence AND Church
East	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District AND “C-3NA MLOD-2 MLR-1 AHOD” Commercial Nonalcoholic Sales Lackland Military Lighting	Single-Family Residence

	Overlay Military Lighting Region 1 Airport Hazard Overlay District	
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Kelly/S. San P.U.E.B.L.O Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property does not have a registered neighborhood association.

Street Classification

West Mayfield is classified as a local street.

Criteria for Review – Clear Vision Variance and Landscape Buffer Variance

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. The applicant is requesting a variance to the clear vision requirement for the fence to be 6’-6” from the curb. The reduced buffer will leave enough room between properties to reduce noise. This is still sufficient space between the curb and the fence and so is not contrary to the public interest.

The requested landscape variance is contrary to the public’s interest as the buffer reduces vehicular noise and light to surrounding houses.

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

A literal enforcement of the ordinance would result in the fence needing to comply with the 15’ clear vision requirement. The fence appears to have been there for years and enforcing the ordinance would require the applicant to demolish and rebuild the fence. The full landscape buffer would reduce parking and driveway area proposed.

Without the variances, the applicant would need to comply with the buffer requirement. This would not result in an unnecessary hardship, as the lot appears to be large enough to have a buffer.

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

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. A 6’-6” clear vision variance for the fence aligns with neighboring houses and allows adequate front spacing, and so appears to observe the spirit of the ordinance. The reduced landscape buffer will observe the spirit of the ordinance as it will leave space between properties.

Reducing the landscape buffer requirements will not observe the spirit of the ordinance and will adversely affect surrounding properties in the immediate area.

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

No uses other than those allowed within the district will be allowed with this variance.

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.*

A 6'-6" clear vision variance is fitting with the character of the neighborhood as there are other fences observed in the area with similar fence location. The reduced setback will keep in character of the neighborhood as no industrial uses exist in the area.

If granted, the landscape buffer variance will alter the essential character of the district.

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 finds the plight of the owner of the property for which the variances are sought is due to unique circumstances existing on the property, such as the location of the property. The requested clear vision variance will ease the hardship by allowing the fence line to remain the same and the landscape buffer to be reduced.

Staff finds the plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property. The unique character of the business would not be hindered by the existing buffer standard.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Buffers section listed under Section 35-510 and the Fences section listed under 35-514(a)(2) of the UDC.

Staff Recommendation – Clear Vision Variance

Staff recommends **Approval** in **BOA-22-10300267** based on the following findings of fact:

1. The fence is in line with others in the immediate area therefore the request does not appear to alter the essential character of the neighborhood.

Staff Recommendation – Buffer Variance

Staff recommends **Denial with an alternate recommendation for a 7'-6" buffer** in **BOA-22-10300267**

1. There is adequate space for the church to conform to a 7'-6" buffer requirement; and
2. The 7'-6" buffer will reduce noise and light from the property.