



City of San Antonio

Legislation Details (With Text)

File #: 17-6505

Type: Zoning Case

In control: Board of Adjustment

On agenda: 12/4/2017

Title: A-17-206: A request by Angel Sandoval and Martha Gonzalez for a special exception to allow an eight foot tall fence in the rear yard of the property, located at 7107 Gallery Ridge. Staff recommends Approval. (Council District 6)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-17-206 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-206

Applicant: Angel Sandoval and Martha Gonzalez

Owner: Angel Sandoval and Martha Gonzalez

Council District: 6

Location: 7107 Gallery Ridge

Legal: Lot 42, Block 28, NCB 18520

Description:

Zoning: "R-6" Residential Single-Family District

Case Manager: Oscar Aguilera, Planner

Request

A request for a special exception, as described in Section 35-399.04, to allow an eight foot tall solid screen fence in the rear yard of the property.

Executive Summary

The subject property has been burglarized eight times according the applicant. The applicant feels that if he increases the rear fence height to 8 feet it will stop the criminal activity. The applicant advised that the offender gained access through the rear of the home. Around portions of the rear yard, the applicant has increase the height simply by adding lattice to the top of the existing fence.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6" Residential Single-Family District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6” Residential Single-Family District	Single-Family Home
South	“R-6” Residential Single-Family District	Single-Family Home
East	“R-6” Residential Single-Family District	Single-Family Home
West	“R-6” Residential Single-Family District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Northwest Community Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

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 request for an eight foot fence in the rear of the property is in harmony with the spirit and purpose of the chapter as the fence is intended to protect the property.

B. *The public welfare and convenience will be substantially served.*

Allowing the property owner to place an eight foot fence on the rear property will help to prevent acts of trespass in the future, ensure the safety of the owner’s property. Therefore, the public welfare and convenience will be substantially served.

C. *The neighboring property will not be substantially injured by such proposed use.*

Granting the requested special exception will not substantially injure the neighboring properties as the fence will be able to protect the subject property from trespass and other criminal acts.

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 eight foot rear fence would not significantly alter the overall appearance of the district and would be able to provide added security for the property owner.

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

The purpose of the fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow an eight foot tall rear fence in order to add security for the owner. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant’s Request

The applicant could follow the guidelines for rear fence heights, as described in 35-514 (d).

Staff Recommendation

Staff recommends **APPROVAL of A-17-206** based on the following findings of fact:

1. The fence will protect the property owner from theft, vandalism, and trespass.