



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-2525  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 4/11/2016

**Title:** A-16-071: A request by John M. Marquis for a special exception to allow for the construction of a fence that is as high as seven feet and nine inches high in the rear yard of the property, located at 3402 Meadow Drive. (Council District 6)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-071 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-16-071  
**Applicant:** John M. Marquis  
**Owner:** John M. & Terry Marquis  
**Council District:** 6  
**Location:** 3402 Meadow Drive  
**Legal Description:** Lot 21, NCB 6137  
**Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for a special exception to allow for the construction of a fence that is as high as seven feet and nine inches high in the rear yard of the property, as described in Section 35-514.

### Executive Summary

The subject property is located on the corner of Meadow Drive and Pipers Lane within the Piper Meadows Subdivision platted in 1977. Per the application and the staff visit, cars and trucks speed down Pipers Lane on a regular basis. The applicant wishes to build the fence in order to block the noise created by the cars driving down Pipers Lane. Additionally, the subject property has various elevations. The various elevations of the subject property cause the fence height to change throughout the perimeter of the property.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the West/Southwest Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Pipers Meadow Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

**Criteria for Review**

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the 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 allows fences as tall as seven feet and nine inches as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. If granted, this request would be harmony with the spirit and purpose of the ordinance.**

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

**The public welfare and convenience can be served through the added protection of a rear yard fence, allowing the owner to protect his home and improve the quiet enjoyment of their rear yard.**

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

**The rear 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.*

**Rear fencing is not out of character in this neighborhood and is located along a highly trafficked street, not an adjacent property. Thus, granting the exception will not alter the character of the district.**

*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 single-family residential zoning districts is to encourage patterns of residential development that provide housing choices and a sense of community. 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 fence heights, as described in 35-514.

**Staff Recommendation**

Staff recommends **APPROVAL of the special exception in A-16-071** based on the following findings of fact:

1. The fence satisfies the established standards for special exceptions.
2. The fence will be in harmony with the spirit and purpose of the UDC.