



City of San Antonio

Legislation Details (With Text)

File #: 16-1610
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment

On agenda: 2/8/2016

Title: A-16-038: A request by Amanda Martinez for a special exception from the maximum 6 foot fence height to allow an 8 foot fence in the side and rear yard, located at 1209 Florida Street. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-16-038 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-16-038
Applicant: Amanda Martinez
Owner: Amanda Martinez
Council District: 2
Location: 1209 Florida Street
Legal Description: Lot 3, Block 4, NCB 1034
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for a special exception, as described in Section 35-399.04, to allow an eight (8) foot side and rear fence.

Executive Summary

The current owner purchased the home in September 2015. The applicant states the fence was installed before she purchased the home. Per the application, the previous owner installed the fence in response to the home being burglarized. Additionally, the home, being pier and beam, stands approximately three (3) feet off the ground reducing the security that could be provided by the standard six (6) foot fence. Therefore, the applicant is requesting a special exception to modify fence height.

Subject Zoning/Land Use

Existing Zoning	Existing Use
"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District	Single Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single Family Residence
South	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single Family Residence
East	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single Family Residence
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Vacant Lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Arena District/Eastside Community Plan and is designated Medium Density Residential in the future land use component of the plan. The subject property is located within the Denver Heights 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 rear fences taller than six (6) feet in the rear yard as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. The subject property has a home elevated on pier and beam foundation. Thus a six (6) foot fence would not provide the same level of protection to this property as it would to homes situated at ground level. Permitting an eight (8) foot side and rear fence would grant this property the equal protection of property. 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.

Per the application the previous property owner experienced several burglaries and since installing the fence the property has not experienced any further crime. The public welfare and convenience can be served by the added protection of side and rear yard fencing, allowing the owner to protect the property from future home invasions.

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

The fence as it stands now creates enhanced security for neighboring properties. In addition, attractive fencing can improve the appearance of the neighborhood in general. For these reasons, the neighboring properties will not be injured if the special exception is granted.

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.

Side and rear year fencing is common in this neighborhood. Thus, granting the exception will not be detrimental to 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.

Alternatives to Applicant's Request

The alternative to the applicant's request is to reduce the height of the side and rear fence to six (6) feet, as described in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL of variance request in A-16-036** based on the following findings of fact:

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

Attachments

Attachment 1 - Notification Plan (Location Map)

Attachment 2 - Plot Plan

Attachment 3 - Applicant's Site Plan

Attachment 4 - Site Photos