



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-1615  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 2/8/2016

**Title:** A-16-043: A request for Sergio Martinez for 1) a 2 foot special exception from the maximum 6 foot rear fence height to permit an 8 foot fence in the side and rear; & 2) a variance from the requirement that fences be constructed of wood, chain link, stone, rock, concrete block, masonry brick, decorative wrought iron to allow a fence of to be constructed of chip metal, located at 258 Northhill Drive. (Council District 7)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-16-043 Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**Case Number:** A-16-043  
**Applicant:** Sergio Martinez  
**Owner:** Sergio Martinez  
**Council District:** 7  
**Location:** 258 Northhill Drive  
**Legal Description:** Lot 3, Block 18, NCB 10080  
**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for 1) a 2 foot special exception from the maximum 6 foot rear fence height, as described in Section 35-399.04, to permit an 8 foot fence in the side and rear; & 2) a variance from the requirement that fences be constructed of wood, chain link, stone, rock, concrete block, masonry brick, decorative wrought iron, as described in 35-514.06, to allow a fence of to be constructed of chip metal.

### Executive Summary

The current property owner has lived on the subject property since 2005. Since moving into the home the owner has made many updates to the home. Per the application, the home owner has an increased concern for the safety and security of his home. In order to address this concern the property owner is proposing to build an eight (8) foot rear fence.

### Subject Zoning/Land Use

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Near Northwest Neighborhood Plan and is designated Low Density Residential in the future land use component of the plan. The subject property is located within the Maverick 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. Staff finds the request for an eight (8) foot fence along the rear property line could be in harmony with the spirit and purpose of the ordinance.** However, an eight (8) foot fence along the side property lines in the rear of the home would not be in harmony with the spirit and purpose of the chapter.

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

**Per the application the property owner is concerned about the potential for an increase in crime. As the rear of the property is located along an alley with public access staff finds an eight (8) foot fence at the rear of the property could be a reasonable solution for ensure increased protection.** However, an eight (8) foot fence on the side of the property would not be in character with the community.

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

**The proposed fence could serve to increase security along the rear property line. Since a fence in the rear would provide a barrier from the subject property and the alley with public access. For these reasons, the neighboring properties will not be injured if the special exception to allow an eight (8) foot fence along the rear property line 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.*

**Rear year fencing is common in this neighborhood. However, there are not fences higher than six (6)**

feet. Thus, granting the exception could be detrimental to the character of the district. Staff finds an appropriate variance would be for an eight (8) foot fence along the rear property line as it is located along an alley with public access.

*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 rear fence to six (6) feet, as described in Section 35-514.

### **Staff Recommendation**

Staff recommends **PARTIAL APPROVAL of variance request in A-16-036 to allow an eight (8) foot fence along the rear property line** 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