



City of San Antonio

Legislation Details (With Text)

File #: 19-5340

Type: Zoning Case

In control: Board of Adjustment

On agenda: 7/15/2019

Title: BOA-19-10300081: A request by Sabino Alarcon for a special exception to allow a 6' predominantly open fence within the front yard property line, located at 130 Rehmann Street. Staff recommends Approval. (Council District 1) (Mercedes Rivas, Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA 19-10300081 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300081

Applicant: Sabino Alarcon

Owner: Sabino Alarcon

Council District: 1

Location: 130 Rehmann Street

Legal: Lot 11, Block 1, NCB 3558

Description:

Zoning: "R-6 RIO-7E MLOD-2 MLR-2 AHOD" Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Case Manager: Mercedes Rivas, Planner

Request

A request for a special exception, as described in Section 35-514, to allow a 6' predominantly open fence within the front yard property line.

Executive Summary

The applicant is seeking permission to keep a 6' predominantly open fence within the front yard of the subject property. The applicant has stated a need for more privacy and security in order to keep his 2 dogs free from harm. The applicant constructed the fence to decrease trespassing on his property as the home is located down the street from KIPP Academy. No portion of the fence is in violation of the Clear Vision field. The subject

property is surrounded by single family residential properties and is down the street from a school.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

The applicant is waiting for the special exception to be approved to obtain fence permit.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 RIO-7E MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 RIO-7E MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
South	“R-6 RIO-7E MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
East	“R-6 RIO-7E MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
West	“R-6 RIO-7E MLOD-2 MLR-2 AHOD” Residential Single-Family River Improvement Overlay 7E Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Lone Star Neighborhood Plan and is currently designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Collins Garden Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Rehmann Street is classified as a Local Street.

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 UDC states the Board of Adjustment can grant a special exception for a fence height modification up to 8’. The additional fence height is intended to provide protection and security to the applicant’s property. If granted, this request would be in harmony with the spirit and purpose of the ordinance. No portions of the fences will be in violation of the Clear Vision field.

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

In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. The predominately open fence was built along the front property line for more privacy and security in order to keep his 2 dogs free from harm. This is not contrary to the public interest.

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

No portion of the fence will be in violation of the Clear Vision field. No adjacent property owner, nor the traveling public, will be harmed by the proposed fence.

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 6’ predominately open fence along the front property line will not significantly alter the overall appearance of the district and will be able to provide added security and protection 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 a 6’ predominantly open fence within the front yard property line in order to add security and protection for the subject property. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant would need to adhere to the permitted fence height and materials as described in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of the special exception in **BOA-19-10300081**, based on the following findings of fact:

1. The applicant states the fence is necessary for privacy and security purposes, and;
2. The fence does not visually hinder the adjacent property's driveway or other motorists view.