



# City of San Antonio

## Agenda Memorandum

**File Number:** 18-2217

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**Agenda Item Number:** 2.

**Agenda Date:** 3/5/2018

**In Control:** Board of Adjustment

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**Case Number:** A-18-027  
**Applicant:** Joel Hernandez  
**Owner:** Joel Hernandez  
**Council District:** 7  
**Location:** 8711 Abe Lincoln  
**Legal:** Lot 25, Block K, NCB 14663  
**Description:**  
**Zoning:** "RE AHOD" Residential Estate Airport Hazard Overlay District  
**Case Manager:** Logan Sparrow, Principal Planner

### Request

A request for a special exception, as described in Section 35-514, to allow an eight foot tall solid screen fence in the rear and side yard.

### Executive Summary

The subject property is located at 8711 Abe Lincoln, approximately 189 feet north of its intersection with Whitby Road. The applicant is seeking a special exception to allow for an eight foot tall, solid screen fence along the side and rear of his property, and would tie into an existing six foot tall fence at the rear of the property. The property is developed on a large tract, measuring exactly one acre in size, and is zoned "RE" Residential Estate. Many homes within the community have tall fencing, especially in the front yards, as lots greater than 20,000 square feet are permitted six foot tall, predominately open fences, by-right. As such, taller fencing is characteristic of the community in which this property is located, but not to a height of eight feet. During visits to the site, staff was unable to identify any other fences within the community that are eight feet tall.

Existing Zoning	Existing Use
"RE AHOD" Residential Estate 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	“RE AHOD” Residential Estate Airport Hazard Overlay District	Single-Family Dwelling
South	“RE AHOD” Residential Estate Airport Hazard Overlay District	Single-Family Dwelling
East	“RE AHOD” Residential Estate Airport Hazard Overlay District	Single-Family Dwelling
West	“RE AHOD” Residential Estate Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the Huebner/Leon Creeks Community Plan and is currently designated Low Density Residential Estate in the future land use component of the plan. The subject property is located within the boundaries of the Alamo Farmsteads Babcock Road registered neighborhood association. As such, they were notified and asked to comment.

**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 spirit of the chapter is intended to provide for reasonable protections to property owners and to establish a sense of community within our neighborhoods. While taller fencing, especially in the front yards, is characteristic of this community, staff was unable to identify other properties benefiting from an eight foot tall fence. Staff finds that the spirit of the chapter would be observed by establishing a six foot tall fence around the back yard.

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

Staff is unable to establish how the public would benefit from an eight foot tall fence. If the additional height was necessary for security reasons, then leaving the entire rear property line protected by a six foot fence doesn’t solve the problem. Further, staff does not find that the introduction of an eight foot tall fence, especially one that will tie into a neighboring six foot tall fence, will benefit the public as it detracts from the consistency of fencing designs within the community.

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

Neighboring property may be harmed by the proposed fence as it will detract from the character of the community.

*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.*

Staff was unable to identify other eight foot tall fences within the community. Many homes have fences in the front and rear, and most are six feet tall. Allowing this one property to have an eight foot tall fence alters the essential character of the community in which it is located.

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

The property is located within the “RE” Residential Estate District, which already offers increased fencing heights when compared to other single-family zoning districts. The fencing regulations are established to ensure

consistency within our communities, and it is difficult to establish how granting the requested special exception will not weaken that purpose.

**Alternative to Applicant's Request**

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

**Staff Recommendation**

Staff recommends **DENIAL of A-18-027** based on the following findings of fact:

1. The requested fence height detracts from the character of the community.