



City of San Antonio

Legislation Details (With Text)

File #: 16-3899
Type: Zoning Case
In control: Board of Adjustment
On agenda: 7/11/2016
Title: A-16-112: A request by Stanley Studer for a special exception to allow an eight (8) foot tall fence in a portion of the rear yard of the property, located at 212 Rockhill Drive. (Council District 10)
Sponsors:
Indexes:
Code sections:
Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-16-112
Applicant: Stanley Studer
Owner: Stanley Studer and Jan Studer
Council District: 10
Location: 212 Rockhill Drive
Legal Description: Lot 2, Block 4, NCB 11863
Zoning: "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District
Case Manager: Logan Sparrow, Senior Planner

Request

A request for a special exception to allow an eight (8) foot tall fence in a portion of the rear yard of the property.

Executive Summary

The subject property is located at 212 Rockhill Drive, approximately 153 feet east of Woodridge Drive. The applicant is seeking a special exception of allow for an eight foot fence in a small portion of the rear yard of the property. Most of the proposed fencing is located along the rear property line that abuts an alley. The 2015 UDC Code Amendments included a provision that allows eight foot tall fencing along side or rear property lines that abut an alley - as such, only a short portion of the fencing "returns" require the special exception. The proposed fencing cannot be seen from the street on the 478.10 foot deep lot, per the plat, which was recorded in 1945.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	"NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	"NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Northeast Inner Loop Plan and 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 Oak Park - Northwood registered neighborhood association. As such, the neighborhood association was notified and asked to comment.

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 2015 UDC Amendments included a provision that now allows eight foot fencing on residential properties that abut an alley in the side or rear yards. As such, only the short "return" portion of the proposed fence requires a special exception.

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

The public welfare and convenience can be served by the added protection of rear yard fence, allowing the owner to protect the subject property. Further, the proposed fencing cannot be seen from any public view. It is unlikely that the public welfare will be harmed.

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

The rear fence will create enhanced security for 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. 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.

Alternative to Applicant's Request

The applicant could build the eight foot fence along the alley, which is permitted, and reduce the “return” portions of the fence to the permitted six feet in height.

Staff Recommendation

Staff recommends **APPROVAL of the requested variance in A-16-112** based on the following findings of fact:

1. The proposed fencing cannot be seen from public view. 2. Only a small portion of the proposed fencing requires the special exception.
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