



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-6006  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 12/5/2016  
**Title:** A-17-011: A request by Vince Cantu for a special exception to allow a seven foot fence in the side and rear yard, located at 142 Verdant Street. Staff recommends Approval. (Council District 10)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-17-011 Attachments, 2. Subject Property Photos

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-011  
**Applicant:** Vince Cantu  
**Owner:** Vince Cantu  
**Council District:** 10  
**Location:** 142 Verdant Street  
**Legal:** Lot 10, Block 3, NCB 11871  
**Description:**  
**Zoning:** “NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl, AICP, Senior Planner

### Request

A request for a special exception, as described in Section 35-399.03, to allow a seven foot wood privacy fence in the side and rear yard of the property.

### Executive Summary

The subject property is located at the intersection of Verdant and Greenbrier with an alley to the rear. The lot includes almost 11,000 square feet and has an existing wooden privacy fence surrounding the rear and side yards. The applicant is planning to replace the fencing and seeking a special exception to allow for taller fencing in the side and rear of the subject property. In 2007, the applicant was denied a variance to allow 6 foot privacy fencing in the front yard and has modified the previously built front fence in accordance with the limitations of the UDC.

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District	Single-Family Residential

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential
South	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential
East	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential
West	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District	Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Northeast Inner Loop Community 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 Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

**Criteria for Review**

According to Section 35-399.03 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 eight (8) foot rear fences as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. In this case, the location is adjacent to an alley, which allows the height. Additional height is also granted by right for a location adjacent to a collector street. While Greenbrier serves the purpose of neighborhood collector, it is currently classified as a local street. Therefore, 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.*

**The public welfare and convenience can be served by the added protection of higher rear yard fencing, allowing the owner to protect the subject property.**

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

**The side and rear fencing 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.*

**Side and rear privacy 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 fencing standards is to protect the health, safety and general welfare of the public, enhance property values, and improve the appearance of the community. Therefore, the requested special exception will not weaken the general purpose of the district.

**Alternative to Applicant's Request**

The applicant would have to install a six foot tall fence.

**Staff Recommendation**

Staff recommends **APPROVAL** of **A-17-011** based on the following findings of fact:

1. The property owner is requesting the fence to prevent trespass on the property.
2. The design is unlikely to detract from the character of the community.