



City of San Antonio

Legislation Details (With Text)

File #: 17-2246
Type: Zoning Case
In control: Board of Adjustment
On agenda: 3/20/2017
Title: A-17-062: A request by Mary Lopez for 1) a 3 foot special exception from the 3 foot limitation for solid screen fencing in the front yard to allow a 6 foot privacy fence along the south property line; and 2) a special exception to allow a 7.5 foot fence in the rear yard, located at 8418 Windline Street. Staff recommends Approval. (Council District 6)
Sponsors:
Indexes:
Code sections:
Attachments: 1. Photos, 2. A17-062 Plot Plan, 3. 17-062 Aerial Map, 4. Site Plan A17-062

Date	Ver.	Action By	Action	Result
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Case Number: A-17-062
Applicant: Mary Lopez
Owner: Mary Lopez
Council District: 4
Location: 8418 Windline St
Legal: Lot 3, Block 7, NCB 18820
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Oscar Aguilera, Planner

Request

A request for 1) a 3 foot special exception from the 3 foot limitation for solid screen fencing in the front yard, as described in sec 35-514, to allow a six (6) foot privacy fence along the south property line; and 2) a special exception to allow a seven and a half (7.5) foot fence in the rear yard, as described in sec 35-514.

Executive Summary

The subject property has an irregular configuration due to the topography of the property. On November 23, 2016, the property owner received a warning for violating the rear fence height limitation. The applicant has stated that she is having issues with the next door neighbor. Therefore, the property owner is requesting a special exception to allow a seven and a half (7.5) foot fence in the rear yard to prevent her dog from jumping fence; and to permit a 6 foot privacy fence in the front yard, along the south property line for additional screening.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the West/Southwest Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is not located within a neighborhood association.

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 allows eight (8) foot rear fences as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. The additional fence height is intended to provide safety, security, and privacy of the applicant; the owner is requesting less than the fence height allowed with a specific exception. This is within harmony with the purpose of the chapter.

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

In this case, these criteria are represented by maximum fence heights to protect home owners. Allowing the six (6) foot side front fence and the seven and a half (7.5) rear fence heights will serve to provide increased security of the property, her dog, and reduce conflict with the neighbors. This is not contrary to the public interest.

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

The front and rear fence will create enhanced security for the subject property and is highly unlikely to injure adjacent properties. The fence will not be erected within the fence clear vision area.

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 front and rear fence would not significantly alter the character of the community. Additionally, as the owners have a dog that could clear a six (6) foot fence, the additional rear fence height will reduce

any safety risks the dog may potentially cause.

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. The special exception request is to add security for the owner and her neighbors. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant must build the fence not to exceed to six foot in the rear and 3 foot in the front.

Staff Recommendation

Staff recommends **APPROVAL of the special exception requests; based on the following findings of fact:**

1. The special exception request will provide security for residents as the owner has a family pet that could clear a six (6) foot fence;
2. The granting of the special exception will not injure the public safety or welfare and will provide the needed additional screening between the subject neighboring properties.