



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-2682  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 4/17/2017  
**Title:** A-17-086: A request by Hector Sanchez for a special exception to allow up to a 7.5 foot tall fence in the front yard, located 13238 Grace Place. Staff recommends Approval. (Council District 9)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-086  
**Applicant:** Hector Sanchez  
**Owner:** Hector Sanchez  
**Council District:** 9  
**Location:** 13238 Grace Place  
**Legal:** Lot 8, Block 3, NCB 16076  
**Description:**  
**Zoning:** “RE AHOD” Residential Estate Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl, AICP, Senior Planner

### Request

A request for a special exception, as described in Section 35-514, to allow up to a 7.5 foot fence in the front yard of the property.

### Executive Summary

The subject property is located in the Blue Crest Estates area, a unique part of the City with large wooded lots and estate zoning. The parcel was created in 1976 with nearly 1.6 acres at the end of a stub street. A stub street is defined as a short section of street that is usually built with the anticipation that it will be extended into adjacent vacant property. The one-lot plat however eliminated the possibility that the street would ever be extended. More recently, a home with over 4,000 square feet was built. The home sits over 100 feet back from the front property line. The owner sought a building permit to build a six foot fence around the perimeter of the site in 2015. A special exception is required to allow the gate taller than 6 feet and the privacy portions of the fencing.

Existing Zoning	Existing Use
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"RE AHOD" Residential Estate Airport Hazard Overlay District	Single-Family Residential
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### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
South	"R-20 AHOD" Residential Single-Family Overlay Airport Hazard Overlay District	Single-Family Residential
East	"RE AHOD" Residential Estate Airport Hazard Overlay District	Single-Family Residential
West	"R-20 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated as Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Blue Ridge Estates 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 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 foot fences in residential districts as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. The first of these is when the fence is in harmony with the purpose and spirit. In this case, since the estate is at the end of a stub street, the special exception would be in harmony with the purpose of the section.**

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

**The public welfare and convenience can be served by blocking entrance onto private property at the terminus of a short stub street.**

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

**The neighboring property will not be injured by the proposed gate. The neighboring properties front on Plumeria Street and are permitted 6 foot tall rear yard fencing along the shared property lines.**

*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.*

**This home site is unique. It is large and its frontage is a stub street, which potentially was constructed in anticipation of further subdividing this large tract. When an individual purchased and created a single lot in 1976, the future of this property was changed. In addition, the home is built with a 100 foot front setback, where privacy fencing could normally be installed. Thus, granting the exception will not detract from 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. In this case, the home is built with a 100 foot front setback. 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 primarily open 5 foot tall fence across the stub street portion of the front yard.

**Staff Recommendation**

Staff recommends **APPROVAL** of the special exception described in **A-17-086** based on the following findings of fact:

1. The large estate lot was platted in 1976 at the end of a stub street;
2. The house is setback 100 feet from the property line.