



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-5220  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 9/18/2017  
**Title:** A-17-166: A request by Pamela Mathy for a special exception to allow an 8 foot fence in the rear yard, located at 7 Hyde Park. Staff recommends Approval. (Council District 1)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-17-166 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-166  
**Applicant:** Pamela Mathy  
**Owner:** Pamela Mathy  
**Council District:** 1  
**Location:** 7 Hyde Park  
**Legal:** Lot 1, Block 3, NCB 18200  
**Description:**  
**Zoning:** “RM-4 PUD AHOD” Residential Mixed Planned Unit  
Development Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Senior Planner

### Request

A request for a request for a special exception to allow an eight (8) foot wrought iron fence in the rear yard, as described in Section 35-514.

### Executive Summary

The applicant is requesting the special exception to replace a five foot two inch foot brick wall and gate with an eight foot wrought iron fence and gate. For security reasons, the owner wishes to secure the perimeter of their home with taller fencing due to the location of the home at the entrance of the community. The owner received approval from both the Homeowner’s Association and the most affected neighbor. Within the community, there are several examples of homes that include wrought iron, brick, or combination fencing that measure eight feet in height.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“RM-4 PUD AHOD” Residential Mixed Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling
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### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 PUD AHOD” Residential Mixed Planned Unit Development Airport Hazard Overlay District	Single-Family Dwellings
South	“RM-4 PUD AHOD” Residential Mixed Planned Unit Development Airport Hazard Overlay District	Single-Family Dwellings
East	Outside City Limits	Single-Family Dwellings
West	“RM-4 PUD AHOD” Residential Mixed Planned Unit Development Airport Hazard Overlay District	Single-Family Dwellings

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

### 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 fences as tall as eight (8) feet tall as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. The requested fencing will provide a greater sense of security for the homeowner as the property is located at the entrance of the community.**

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

**The public welfare will not be harmed as the requested fence will not distract motorists or negatively affect the daily activities of residents within the community.**

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

**The requested fencing will not negatively impact the adjacent property as it does not interfere with visibility when exiting the neighboring driveway.**

*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.*

**As documented by the owner, there are several homes that demonstrate similar fencing in both material and the requested height. The request will not alter 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 residential zoning districts is to encourage patterns of residential development that provide a sense of community. The requested special exception will not weaken the general purpose of the district as it highly unlikely to be noticed and does not take away from the character of the district.**

**Alternative to Applicant's Request**

The applicant would have to construct a fence of six feet in height.

**Staff Recommendation**

Staff recommends **APPROVAL of the special exception in A-17-166** based on the following findings of fact:

1. The fence will not alter the character of the district as there are other homes with similar fencing; and 2. The fence will not interfere with Clear Vision requirements for the neighboring property.
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