



# City of San Antonio

## Agenda Memorandum

**File Number:**16-2221

**Agenda Item Number:** 3.

**Agenda Date:** 3/21/2016

**In Control:** Board of Adjustment

**Case Number:** A-16-046  
**Applicant:** Mark Reynolds  
**Owner:** Mark Reynolds  
**Council District:** 6  
**Location:** 9126 Timber Ranch  
**Legal Description:** Lot 159, Block 45, NCB 18745  
**Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for a special exception to allow a fence that is seven and a half feet tall on the side and rear yard of the property as described in Section 35-514.

### Executive Summary

The subject property was platted in 1993 and is located in the Tezel Oaks II Subdivision. The applicant built a seven and half (7.5) foot rear fence and is now requesting a special exception to keep the fence as built.

### 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
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### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Northwest Community Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is not located within a Neighborhood Association. However, the Great Northwest Neighborhood Association is located within 200 feet. As such, the neighborhood association was 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 seven and half (7.5) feet rear fences as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. 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 rear yard fence, allowing the owner to protect the subject property.**

*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 follow the guidelines for fence heights, as described in 35-514.

### **Staff Recommendation**

Staff recommends **APPROVAL of the special exception in A-16-046** based on the following findings of fact:

1. The fence satisfies the established standards for special exceptions. 2. The fence will be in harmony with the spirit and purpose of the UDC.