



City of San Antonio

Agenda Memorandum

File Number:16-2224

Agenda Item Number: 5.

Agenda Date: 3/21/2016

In Control: Board of Adjustment

Case Number: A-16-052
Applicant: Robert Richardson
Owner: Robert Richardson
Council District: 2
Location: 119 Stella
Legal Description: Lots 4, 5, 6 and S IRR 72.89 FT of 3, Block 1, NCB 1501
Zoning: "RM-4 EP-1 AHOD" Residential Mixed Facility Parking/Traffic Control Airport Hazard Overlay District
Case Manager: Kristin Flores, Planner

Request

A request for a special exception to allow a six foot tall chain link fence to remain in the front yard of the property as described in Section 35-514.

Executive Summary

The subject property was platted in 1978 and is located near St. Phillips College. The applicant states the subject property has experienced vandalism and, due to the close proximity to the college, is a highly trafficked area. The applicant is requesting to keep a six (6) foot chain link fence along the front of the property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"RM-4 EP-1 AHOD" Residential Mixed Facility Parking/Traffic Control Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"RM-4 EP-1 AHOD" Residential Mixed Facility Parking/Traffic Control Airport Hazard Overlay District	Single-Family Dwelling

South	“RM-4 EP-1 AHOD” Residential Mixed Facility Parking/Traffic Control Airport Hazard Overlay District	Single-Family Dwelling
East	“RM-4 EP-1 AHOD” Residential Mixed Facility Parking/Traffic Control Airport Hazard Overlay District	Single-Family Dwelling
West	“RM-4 EP-1 AHOD” Residential Mixed Facility Parking/Traffic Control Airport Hazard Overlay District	Parking Lot

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Arena District and currently designated Medium Density Residential in the future land use component of the plan. The subject property is located within the Denver Heights Neighborhood Association. 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 six (6) foot front fences as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. The subject property is in an area with high pedestrian traffic. Permitting a six (6) foot front fence would grant this property the reasonable protection of property. 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.

Per the application the subject property has experienced vandalism in an area with high volumes of pedestrian traffic. The public welfare and convenience can be served by the added protection of front yard fence, allowing the owner to protect the properties from future invasions.

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

The proposed fence will create enhanced security for subject property. If the lots were combined the subject property would meet the twenty thousand (20,000) square foot minimum to qualify for large lot fencing which permits a six (6) foot front fence by right.

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.

Front 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-16-052** 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.