



# City of San Antonio

## Agenda Memorandum

**File Number:**16-2364

**Agenda Item Number:** 5.

**Agenda Date:** 4/4/2016

**In Control:** Board of Adjustment

**Case Number:** A-16-063  
**Applicant:** Patricia Zapata  
**Owner:** Patricia Zapata  
**Council District:** 1  
**Location:** 120 Vassar Lane  
**Legal Description:** Lot 13, Block 2, NCB 8563  
**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for a special exception to allow a fence as tall as seven feet and ten inches tall in the front yard of the property as described in Section 35-514.

### Executive Summary

The subject property was platted in 1926 as part of the Arlington Heights Subdivision. The applicant constructed a fence as tall as seven feet and ten inches tall in response to acts committed against her property by her adjacent neighbor. In order to protect her property and ensure privacy from this neighbor the applicant built a seven foot and ten inch fence on one portion of her property.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the boundaries of the North Central 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.

### **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 higher than six (6) feet tall as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. The subject property has experienced criminal activity but only has additional fence height on a portion of the front property. The fence in the rear of the home is a five foot chain link fence. Allowing a fence as tall as seven feet and ten inches tall in the front yard of the property is not in the harmony and spirit of the UDC and is unlikely to provide additional protect for the home.

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

The addition of a large non-conforming fence in the front yard does not serve the public welfare and convenience.

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

The high front fence blocks the adjacent property from the view of the street and may create unsafe conditions when backing onto the street.

*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.*

A fence of this height in the front yard is out of character with the neighborhood and granting the exception will 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. The requested special exception will weaken the general purpose of the district by creating barriers out of character with the community.

### **Alternative to Applicant's Request**

The applicant should follow the guidelines for fence heights, as described in 35-514.

### **Staff Recommendation**

Staff recommends **DENIAL of the special exception in A-16-063** based on the following findings of fact:

1. The fence does not satisfy the established standards for special exceptions as this fence is largely out of character with the neighborhood. 2. The fence will not be in harmony with the spirit and purpose of the UDC as the fence in the rear of the property is only a five foot chain link fence.