



# City of San Antonio

## Agenda Memorandum

**File Number:**16-2421

**Agenda Item Number:** 4.

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

**In Control:** Board of Adjustment

**Case Number:** A-16-060  
**Applicant:** Kristin Hefty  
**Owner:** William & Kristin Hefty  
**Council District:** 2  
**Location:** 319 Parland Place  
**Legal Description:** Lot 21, NCB 6137  
**Zoning:** "R-4 NCD-6 AHOD" Residential Single-Family Mahncke Park  
Neighborhood Conservation District Airport Hazard Overlay District  
**Case Manager:** Margaret Pahl, AICP Senior Planner

### **Request**

A request for a special exception to allow an eight foot tall fence in the rear yard of the property as described in Section 35-514.

### **Executive Summary**

The subject property is located within the Mahncke Park neighborhood, across from the Mahncke Park. According to the application, the owners are requesting approval to construct an eight foot tall fence around their rear yard to mitigate a grade change issue between neighboring homes. In addition, the applicant states that the neighbor fosters dogs and has installed a doggy door. The dogs become agitated whenever the applicant is in the rear yard. The applicant hopes that the higher fence will reduce the visibility and the frequent disruption her family causes when they exit into their backyard. According to recent amendments adopted to the Unified Development Code, additional fence height up to 8 feet in the rear yard can be approved with a special exception.

Though the property is subject to the Mahncke Park Neighborhood Conservation District regulations, there are none specific to rear fencing.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"R-4 NCD-6 AHOD" Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 NCD-6 AHOD" Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
South	"MF-33 NCD-6 AHOD" Residential Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Park
East	"R-4 NCD-6 AHOD" Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 NCD-6 AHOD" Residential Single-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the boundaries of the Mahncke Park Neighborhood Plan and currently designated Urban Single-Family Residential in the future land use component of the plan. The subject property is located within the boundaries of the Mahncke Park 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 eight foot 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 and improve the quiet enjoyment of their rear yard.**

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

**The rear fence will create enhanced privacy for the 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 and will be barely visible from the public street. Thus, granting the exception 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 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-16-060** based on the following findings of fact:

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