



# City of San Antonio

## Agenda Memorandum

**File Number:**16-3099

**Agenda Item Number:** 4.

**Agenda Date:** 5/9/2016

**In Control:** Board of Adjustment

**Case Number:** A-16-076  
**Applicant:** Thomas Keegan  
**Owner:** Thomas Keegan  
**Council District:** 9  
**Location:** 2118 Fawn Glen  
**Legal Description:** Lot 29, Block 13, NCB 16232  
**Zoning:** "RM-4 AHOD" Residential-Mixed Airport Hazard Overlay District  
**Case Manager:** Kristin Flores, Planner

### Request

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

### Executive Summary

The subject property was platted in 1976 and is located in the San Pedro Hills Subdivision. The applicant is proposing to build an eight (8) foot rear fence. The subject property is permitted to build an eight (8) foot fence along the side and rear of the property which abut a commercial property and a road other than a local road. The applicant is only seeking a special exception for one side of the property.

### Subject Property Zoning/Land Use

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

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"RM-4 AHOD" Residential-Mixed Airport Hazard Overlay District	Single-Family Dwelling
South	UZROW	Jones Maltsberger
East	"C-2 AHOD" General Commercial Airport Hazard Overlay District	Commercial Business

West	RM-4 AHOD” Residential-Mixed Airport Hazard Overlay District	Single-Family Dwelling
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### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the North Sector Plan and currently designated Suburban Tier 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 eight (8) 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.**

*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 fencing standards is to protect the health, safety and general welfare of the public, enhance property values, and improve the appearance of the 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-16-076** 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.