



# City of San Antonio

## Agenda Memorandum

**File Number:**17-2994

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**Agenda Item Number:** 3.

**Agenda Date:** 5/1/2017

**In Control:** Board of Adjustment

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Case Number: A-17-093  
Applicant: Geronimo Guerra & Patricia Mejia  
Owner: Geronimo Guerra & Patricia Mejia  
Council District: 7  
Location: 1714 W. Summit Avenue  
Legal: Lot 28, Block 24, NCB 1946  
Description:  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Oscar Aguilera, Planner

### Request

A request for a special exception, pursuant to Section 35-399.04 of the UDC, to allow an eight foot wood privacy fence in the rear yard (behind the façade) of the property.

### Executive Summary

The subject property is located at 1714 W. Summit Avenue. The applicant is seeking a special exception to allow for taller fencing in the rear of the subject property. The applicant purchased the property with the existing eight foot tall fence behind the home's façade. The home has an existing pool and the applicant advised there are reports of burglaries within the neighborhood. Therefore, the applicant is seeking for an eight foot tall wood privacy fence to prevent trespass from children trying to use the pool and to deter crime.

### 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
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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

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

The property is within the Near Northwest Community Plan and designated as Medium Density Residential. The subject property is located within the boundaries of the Jefferson and Woodland Neighborhood Associations. Both neighborhoods associations were notified.

### **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:

1. *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.**

2. *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 children from drowning in the pool and protecting the subject property from burglaries.**

3. *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.**

4. *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.**

5. *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-17-093** 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.