



# City of San Antonio

## Agenda Memorandum

**File Number:**17-4103

**Agenda Item Number:** 3.

**Agenda Date:** 7/17/2017

**In Control:** Board of Adjustment

**Case Number:** A-17-131  
**Applicant:** Jeffrey Paez  
**Owner:** Jeffrey Paez  
**Council District:** 4  
**Location:** 534 Solar Street  
**Legal Description:** Lot 6, Block 63, NCB 15461  
**Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Oscar Aguilera, Planner

### Request

A request for a request for a special exception to allow a 6 foot wrought iron fence in the front yard, as described in Section 35-514.

### Executive Summary

The applicant constructed a six foot fence in response to acts committed against his property by unknown offender(s). In order to protect his property, the applicant built a six foot fence in the front yard of his property without a permit. The fence is constructed of wrought iron and is predominately open.

### 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
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 boundaries of the West/Southwest Sector Plan and currently designated Suburban Tier in the future land use component of the plan. The subject property is located within the boundaries of the Rainbow Hills Neighborhood Association and they were 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 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. Allowing a fence as tall as six feet tall in the front yard of the property is not in harmony with the spirit and purpose of the UDC and is unlikely to provide additional protection for the home. The wrought iron fence is out of character with the neighborhood since this is the only property with a six foot tall fence on the front property and the only property with a wrought iron fence.

*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 six foot 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, and construct a five foot fence.

### **Staff Recommendation**

Staff recommends **DENIAL of the special exception in A-17-131** 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.