



City of San Antonio

Agenda Memorandum

File Number: 17-4149

Agenda Item Number: 4.

Agenda Date: 7/17/2017

In Control: Board of Adjustment

Case Number: A-17-135
Applicant: Rick Pichardo
Owner: Rick Pichardo
Council District: 5
Location: 221 Helena Street
Legal: Lot 22, NCB 2588
Description:
Zoning: "R-6" Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a special exception to allow a 7.5 foot fence in the rear yard, as described in Section 35-514.

Executive Summary

The property owner is requesting to construct a seven foot six inch tall fence in the rear yard. The owner has a swimming pool in the rear yard and to reduce any in safety risks, including children possibly drowning, the owner requests the approval of a special exception for the additional height.

Existing Zoning	Existing Use
"R-6" Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6" Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
South	"R-6" Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

East	"R-6" Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
West	"R-6" Residential Single-Family Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Lone Star Neighborhood Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Lone Star Neighborhood Association. As such, they were contacted and asked to comment.

Criteria for Review

According to Section 35-399.03 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. In this case, applicant is requesting a lesser height. Additional height will also serve to restrict access for children or trespassers who could potentially be harmed in, or around, the pool area. Therefore, 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 higher rear yard fencing, allowing the owner to protect the subject property and potential risks of others drowning.

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

The side and rear fencing will create enhanced security 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.

Side and rear yard wooden 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. As the request will satisfy these principles, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant would have to construct a six foot tall fence in the rear yard.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variance **A-17-135** based on the following findings of fact:

1. The property owner is requesting the fence to prevent trespass on the property.

2. The design is unlikely to detract from the character of the community.