



# City of San Antonio

## Agenda Memorandum

**File Number:**17-5090

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**Agenda Item Number:** 3.

**Agenda Date:** 9/18/2017

**In Control:** Board of Adjustment

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**Case Number:** A-17-159  
**Applicant:** Ana Luisa Sanchez  
**Owner:** Ana Luisa Sanchez  
**Council District:** 7  
**Location:** 8151 Eckhert Road  
**Legal:** P-33, NCB 17970  
**Description:**  
**Zoning:** "C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with Conditional Use for a Variety Store with Outdoor Display.  
**Case Manager:** Oscar Aguilera, Planner

### Request

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

### Executive Summary

The subject property is a variety store with outdoor display. Per the application, the subject property regularly experiences trespass, vandalism, and other criminal activities. The applicant advised that she is there by herself and made an agreement with the neighbors that she was going to fence the property when she changed the zoning on the property. The applicant is requesting to install a six (6) foot predominately open wrought iron fence is to ensure the safety of her property, herself, and the items that the applicant has for sale. Staff noted several similar fences, both in style and height, within the neighborhood during the site visit.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-1 CD AHOD" Light Commercial Airport Hazard Overlay District with Conditional Use for a Variety Store with Outdoor Display	Variety Store with Outdoor Display

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-25 AHOD” Low Density Multi-Family Airport Hazard Overlay District, “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Apartments, Single-Family Dwelling
South	“OCL” Outside City Limits, “O-1 AHOD” Office Airport Hazard Overlay District	Office Building, Church, single family dwelling
East	“OCL” Outside City Limits	Single-Family Dwelling
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The subject property is within the boundaries of the Huebner/Leon Creek Community Plan and currently designated Office Use in the future land use component of the plan. The subject property is not located within the boundaries of a neighborhood association.

### **Criteria for Review**

According to Section 35-482(h) of the UDC, in order for special exception to be granted, 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.*

**In this case, the public interest is represented by fence height limitations to protect property owners and to contribute to a sense of community. Staff finds that the request for a six foot fence is not contrary to the public interest as the fence is intended to protect the subject property, the applicant, and clients.**

*B. The public welfare and convenience will be substantially served.*

**The special condition present in this case is trespass and high crime rates. Staff finds that allowing the property owner to install a six (6) foot front fence will help to deter acts of trespass in the future and ensure the safety of the applicant and clients.**

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

**Granting the requested special exception will result in substantial justice as the fence will be able to protect the subject property from trespass and ensure the safety of employees and clients.**

*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.*

**Six foot fencing in the front would not significantly alter the overall appearance of the district and will provide the required safety for the property owner and clients.**

*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. The special exception request is to add security for the owner. 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 front fence heights, as described in 35-514 (d).

### **Staff Recommendation**

Staff recommends **APPROVAL** of A-17-159 based on the following findings of fact:

1. The fence will protect the property owner, employee, and clients from crime and trespass which as occurred at the subject property;
2. The fence style will be in keeping with the character of the community.