



# City of San Antonio

## Agenda Memorandum

**File Number:**17-5471

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**Agenda Item Number:** 5.

**Agenda Date:** 10/2/2017

**In Control:** Board of Adjustment

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**Case Number:** A-17-175  
**Applicant:** Howard E. Butt III Trustee  
**Owner:** Big City Trust  
**Council District:** 1  
**Location:** 133 Thelma Drive  
**Legal:** Lot 123, NCB 6761  
**Description:**  
**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District.  
**Case Manager:** Oscar Aguilera, Planner

### Request

A request for 1) a special exception, as described in Section 35-399.04, to allow an 8 foot tall fence on the side and rear of the property and 2) a special exception, also described in Section 35-399.04, for a 6 foot wrought iron fence in the front yard.

### Executive Summary

The subject property is being remodeled in order for the owner to move back to San Antonio. The subject property is surrounded by other homes with similar fences and the owner would like to make sure the home is well protected. The applicant is requesting to install a six foot predominately open wrought iron fence in the front yard and an 8 foot tall fence on the side and rear of the lot to ensure the safety of their property. 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
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"OCL" Outside City Limits	Single-Family Dwelling

South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-5 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 North Central Community Plan and currently designated Low Density Residential 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.*

**Staff finds that the request for a six foot fence in the front yard and an eight foot fence on the side and rear yard will be in harmony with the spirit and purpose of this chapter as the fence is intended to protect the subject property, the owner's family, and the owner. In addition, there are similar fences, both in style and height, within the neighborhood.**

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

**The public welfare and convenience will be substantially served by allowing the property owner to install a six foot fence in the front yard and an eight foot fence on the side and rear yard. This fencing will help to deter acts of trespass in the future and ensure the safety of the owner and their property.**

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

**The fence will be able to protect the subject property from trespass and ensure increased safety. The neighboring property will not be substantially injured since the fence is similar in height and will provide a similar security benefit to the adjacent owners.**

*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.*

**The six foot fencing in the front yard and an eight foot fencing on the side and rear yard would not significantly alter the overall appearance of the district because it is similar to several other homes in the community.**

*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. 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-17-175 based on the following findings of fact:

1. The fence will protect the property; and
2. The fence style will be in keeping with the character of the neighborhood.