



City of San Antonio

Agenda Memorandum

File Number:17-6506

Agenda Item Number: 4.

Agenda Date: 12/4/2017

In Control: Board of Adjustment

Case Number: A-17-208
Applicant: Ed Mickelson
Owner: Michael & Patricia Dennis
Council District: 1
Location: 103 Devine Road
Legal Description: The South 159.5 Feet of the East 75 Feet of Lot 2, NCB 35 and Lot 34 and the South 75 Feet of Lot 35, NCB 6759
Zoning: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Oscar Aguilera, Planner

Request

A request for a special exception, as described in Section 35-399.04, to allow a six foot tall solid screen fence in the front yard of the property.

Executive Summary

The property is located at the corner of Devine Road and Hildebrand Access Road. The applicant advised that the owners have problems with people loitering around the subject property and that the owners would like to have some privacy due to an increase in traffic and the new apartment complex adjacent to their property.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|--------------------|
| "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Home |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|--------------------|
| North | "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Home |
| South | "MF-50 AHOD" Multi-Family Airport Hazard Overlay District | Apartments |

| | | |
|------|--|--------------------------------|
| East | "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Single-Family Home, University |
| West | "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District | Water Tower |

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 registered 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.

The request for a solid six foot fence in the front property line is in harmony with the spirit and purpose of the chapter as the fence is intended to protect the property and there are similar fences within the district. Additionally, the lot is large enough to qualify for the "Large Lot Fencing" provisions of the code. These provisions permit a six foot tall front yard fence by right, but it must be predominately open.

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

Allowing the property owner to place a six foot fence in the front of the property will help to prevent acts of trespass in the future, ensure the safety of the owner's property, and give the property owners privacy. Therefore, the public welfare and convenience will be substantially served.

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

Granting the requested special exception will not substantially injure the neighboring properties as the fence will be able to protect the subject property from trespass and provide privacy. In addition there are similar fences in height within the neighboring district.

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 solid six foot fencing around the front property line would not significantly alter the overall appearance of the district since there are similar fences in height. In addition, the applicant will comply with the Clear Vision Requirements.

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 allow a solid six foot tall front fence in order to add security and privacy 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-17-208** based on the following findings of fact:

1. The fence will protect the property owner from theft, vandalism, trespass and provide added privacy;
and
2. The fence style will be in keeping with the character of the community; and
3. The applicant will comply with the Clear Vision Requirements.