



City of San Antonio

Agenda Memorandum

File Number:18-1033

Agenda Item Number: 9.

Agenda Date: 12/18/2017

In Control: Board of Adjustment

Case Number: A-18-009
Applicant: Esmeralda Galindo
Owner: Esmeralda Galindo
Council District: 5
Location: 838 Keats Street
Legal: Lots 8 and 9, Block 9, NCB 8965
Description:
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 solid screen fence to be as tall as six feet in the front yard of the property.

Executive Summary

The applicant stated that she built a privacy fence along the front side of her property in order to protect her children from her neighbor's dogs. The applicant advised that her neighbors dogs constantly roam freely on her property and several times the dogs have chased her and her children. The neighbor that owns the dogs refuses to restrain the dogs and lets them roam free, even after several requests by the applicant's husband. The applicant advised that she built the fence to be able to enjoy the use of the property and for her children to be able to play outside.

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
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North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home, Vacant lot
South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home, Vacant lot
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Nogalitos/South Zarzamora 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 solid six foot fence in the front of the property is in harmony with the spirit and purpose of the chapter as the fence is intended to protect the applicant's children from dogs.

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

Allowing the property owner to place a six foot solid fence on the side will help to prevent the neighbor's dogs roaming freely on her property and posing a threat to her and her children. 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 the neighbor's dogs and other criminal acts.

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 solid front side fence would not significantly alter the overall appearance of the district and would be able to provide added security and protection for the property owner.

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 six foot tall solid front side fence in order 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 rear fence heights, as described in 35-514 (d).

Staff Recommendation

Staff recommends **APPROVAL** of A-18-009 based on the following findings of fact:

1. The fence will protect the property owner from the neighbor's dogs roaming freely on her property and attacking her family.