



# City of San Antonio

## Agenda Memorandum

**File Number:**18-1633

**Agenda Item Number:** 5.

**Agenda Date:** 2/5/2018

**In Control:** Board of Adjustment

Case Number: A-18-019  
Applicant: Michelle Sowa  
Owner: Michelle Sowa and Mark Hamlin  
Council District: 10  
Location: 519 and 523 Cave Lane  
Legal: Lots 11 and 12, NCB 11820  
Description:  
Zoning: "NP-10 AHOD" Neighborhood Preservation Airport Hazard  
Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### Request

A request for a special exception, as described in Section 35-514, to allow a seven foot and three inch tall fence in the side and rear of the property.

### Executive Summary

The subject property is located at 519 and 523 Cave Lane, approximately 226 feet west of Wyndale Street. The applicant is requesting the special exception to allow the installation of a seven foot and three inch tall iron and solid wood fence on the side of the property, in the rear yard. The property owner stated in the application that they have a pool in the back yard and have had problems with neighborhood kids jumping the existing fence and using the pool without their permission. The neighbor is in support of the project and, for design consistency purposes, is asking the Board to permit the fence to continue along the property line and to tie into their house, too.

| Existing Zoning   | Existing Use           |
|---|------------------------|
| "NP-10 AHOD" Neighborhood Preservation<br>Airport Hazard Overlay District | Single-Family Dwelling |

### Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s)   | Existing Use           |
|-------------|---|------------------------|
| North       | "NP-10 AHOD" Neighborhood Preservation<br>Airport Hazard Overlay District | Single-Family Dwelling |

|       |  |                        |
|-------|--|------------------------|
| South | "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District | Single-Family Dwelling |
| East  | "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District | Single-Family Dwelling |
| West  | "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District | Single-Family Dwelling |

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

The subject property is within the boundaries of the Northeast Inner Loop Community Plan and is currently designated Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Oak Park - Northwood registered neighborhood association. As such, they were notified and asked to comment.

### **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 spirit of the chapter is intended to provide for reasonable protections to property owners and to establish a sense of community within our neighborhoods. The request for a seven foot and three inch tall fence on a small portion of the yard is in harmony with the spirit of the chapter. No portion of the fence is in violation of the Clear Vision field, and the fence is intended to prevent acts of trespass.**

*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 owners to protect the subject property.**

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

**No portion of the fence is in violation of the Clear Vision field. No adjacent property owner, nor the traveling public, will be harmed by the proposed fence.**

*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 will create enhanced security for subject property and is highly unlikely to injure adjacent properties.**

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

**The property is located within the "NP-10 AHOD" Neighborhood Preservation Airport Hazard Overlay District and permits the current use of a single-family home. The requested special exception will not weaken the general purpose of the district.**

### **Alternative to Applicant's Request**

The applicant would need to adhere to the permitted fence heights as described in Section 35-514.

**Staff Recommendation**

Staff recommends **APPROVAL of A-18-019** based on the following findings of fact:

1. The property owner is requesting the fence to prevent trespass on the property.
2. The design and height of the fence is unlikely to detract from the character of the community.