



City of San Antonio

Agenda Memorandum

File Number:15-3197

Agenda Item Number: 3.

Agenda Date: 5/18/2015

In Control: Board of Adjustment

Case Number: A-15-075
Applicant: Chris Klebba
Owner: Chris Klebba
Council District: 8
Location: 13302 Gable Village Drive
Legal Description: Lot 87, Block 2, NCB 17122
Zoning: "R-5 PUD AHOD" Residential Single-Family Planned Unit
Development Airport Hazard Overlay District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for a two foot variance from the six foot maximum rear yard fence height, as described in Section 35-514 (d) to allow an eight foot tall wood fence in the rear yard of the property.

Executive Summary

The subject property is located within the Voelcker Ranch Planned Unit Development Subdivision, a gated subdivision with private streets recorded in 1994. The lots are over a half acre with houses built in the mid to late 1990s. The applicant purchased his house in 2010, before Phil Hardberger Park was fully developed. The improvements in the park behind his house have changed his perceived enjoyment of his property. Specifically, the area behind his rear fence is being used to store the trucks and maintenance equipment used within the park. The applicant installed an eight foot tall cedar fence along the shared property line as a way of reducing the negative impact of these park activities. A two foot variance from the maximum 6 foot fence height is required to maintain this fence height.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 HE AHOD” Residential Single-Family Historic Exceptional Airport Hazard Overlay District	Regional Park Homestead
South	“R-5 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Regional Park
West	“R-5 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Land Use Plan and designated as Low Density Residential Land Use. The subject property is not located within the boundaries of a neighborhood association.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. **The applicant asserts that the fence is required to secure the property from daily park activities. The fence, installed only on the shared boundary lines, is not contrary to public interest.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement would result in the reduction of two feet in fence height along the shared property boundary line, an unnecessary hardship. The additional two feet in fence height is needed to screen the applicant from the heavy equipment used in the maintenance of the park.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance provides for privacy fencing in the rear yard to allow for quiet enjoyment and seclusion in this portion of your property. The additional fence height is required to mitigate the negative impacts from a public maintenance yard immediately adjacent to the applicant’s property. Therefore the variance would be consistent with the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-5 PUD AHOD” Residential Single-Family Planned Unit Development Airport Hazard Overlay District.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The additional fence height is isolated to the shared boundaries between a private rear yard and a regional park. It is only visible from inside the specific park area, an area generally secluded from public visitors to the park. Therefore, it will not alter the character of the district.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

The applicant's property is the most severely impacted, sharing a lot line that does not have the thick grove of trees most park neighbors enjoy. This circumstance was not created by the applicant.

Alternative to Applicant's Request

The applicant needs to reduce the fence height to come into compliance with the Unified Development Code.

Staff Recommendation

Staff recommends **APPROVAL of A-15-075** based on the following findings of fact:

1. The park maintenance equipment is stored adjacent to the applicant's property in a clearing where there are few trees to buffer the negative impact; and;
2. The additional fence height is necessary to protect privacy within the rear yard.