



City of San Antonio

Legislation Details (With Text)

File #: 18-6391

Type: Zoning Case

In control: Board of Adjustment

On agenda: 11/19/2018

Title: BOA-18-900004: A request by Tomas Mendez for a special exception to allow 1) a 7'4" predominately open fence gate along the front property line and 2) a special exception to allow a 6'4" solid screen fence in the front yard, located at 5322 and 5330 Dietrich Road. Staff recommends Approval. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA-18-900004 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-18-900004

Applicant: Tomas Mendez

Owner: Tomas Mendez

Council District: 2

Location: 5322 and 5330 Dietrich Road

Legal: P-19 and P-19B, NCB 10600

Description:

Zoning: "R-6 AHOD" Residential Single-Family 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 1) a 7'4" predominately open fence gate along the front property line and 2) a special exception, as described in Section 35-514, to allow a 6'4" solid screen fence in the front yard.

Executive Summary

The subject property is located at 5322 and 5330 Dietrich Road, approximately 1,000 feet east of Cornerway Boulevard. The applicant is seeking to keep both the solid screen fence and the predominantly open fence gate in the front yard. The subject properties are completely surrounded by General Industrial zoning, including a steel company, an automation plant, and vacant land.

Code Enforcement History:

The property owner received a citation from Code Enforcement on September 25th, 2018 for not having a fence permit and for fence exceeding the permitted fence height in the front yard.

Permit History:

There is no permit history related to this fence. The property owner is seeking a variance to allow for permit to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Automation Plant
South	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Freight Services
East	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Steel Company
West	“I-1 AHOD” General Industrial Airport Hazard Overlay District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the I-10 East Corridor Plan and currently designated “Business Park” in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

Dietrich Road is classified as a Local Street.

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 UDC states the Board of Adjustment can grant a special exception for a fence height modification up

to 8'. The additional fence height is intended to provide privacy and security of the applicant properties. If granted, this request would be in harmony with the spirit and purpose of the ordinance. No portions of the fences are in violation of the Clear Vision field.

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

In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. These fence heights were built along the front yards to provide additional safety for the property. This is not contrary to the public interest.

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

No portions of the fences are 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 7'4" predominately open fence gate along the front property line and the 6'4" solid screen 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 7'4" predominately open fence gate along the front property line and the 6'4" solid screen fence in order to add security for the subject properties. Therefore, 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 variance in **BOA-18-900004**, based on the following findings of fact:

1. The fence will provide additional security to the subject properties.