



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-6060

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 11/5/2018

**Title:** A-18-174: A request by Sharon Barnes for a special exception to allow 1) a privacy fence to be 6' tall in the east side of the front yard and 2) a predominately open fence to be 6'4" tall in the front yard, located at 2108 La Manda Boulevard. Staff recommends Denial. (Council District 1)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-18-174 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-18-174

**Applicant:** Sharon Barnes

**Owner:** Sharon Barnes

**Council District:** 1

**Location:** 2108 La Manda Boulevard

**Legal:** Lot 4 and the West 18 Feet of Lot 5, Block 4, NCB 10376

**Description:**

**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Case Manager:** Dominic Silva, Planner

### Request

A request for a special exception, as described in Section 35-514, to allow 1) a privacy fence to be 6' tall in the east side of the front yard and 2) a predominately fence to be 6'4" tall in the front yard.

### Executive Summary

The subject property is located at 2108 La Manda Boulevard, 839' west of Vance Jackson Road. The applicant is proposing to construct a 6' tall privacy fence in a portion within the front yard side property line as well as a 6'4" tall wrought iron fence along the front yard, across the circular driveway; the applicant states there will be a gate for the entrance and exit of the driveway.

The characteristic of the Dellview area along Vance Jackson is made up single-family residences with no fences within the front yard.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the Greater Dellview Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of Dellview 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 a special exception to be granted, the 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 requests for the privacy fence within the east side of the front yard and the 6’4” wrought iron fence in the front yard, as proposed, is out of character within the community in which it is located as no other properties within the immediate vicinity has any type of fence of that height within the front property. Staff finds that these requests are not in harmony with the spirit and purpose of the chapter and differs from other properties in the neighborhood.

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

Staff is unable to establish a special condition that would allow for 6’ tall privacy fence along the east property line within the front yard and a 6’4” wrought iron fence in a portion of the front yard of the property.

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

The proposed fences are not consistent with surrounding properties and allowing this one property owner to have a 6’ privacy fence and a 6’4” wrought iron fence negatively affects the design consistency within the neighborhood.

*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 proposed 6'4" wrought iron fence and 6' privacy fence along the east property line would be the only fence of this type and height within the front yard on La Manda Boulevard that staff identified. The proposed fences create inconsistency and alter the essential character of the community in which the property is located.

*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 "R-5" Residential Single-Family District and permits the current use of a single-family home. The fencing regulations are established to ensure consistency within our communities, and it is difficult to establish how granting the requested special exceptions will not weaken that purpose.

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

The alternative to the applicant's request is to adhere to Section 35-514.

### **Staff Recommendation**

Staff recommends **DENIAL of A-18-174**, based on the following findings of fact:

1. The request does not observe the spirit of the ordinance, and;
2. The request goes against the essential character of the district in which no property within the immediate area has a fence at the height requested.