



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-2579

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 4/5/2021

**Title:** BOA-21-10300022: A request by Catalina Chavez for a variance from the Ingram Hills Neighborhood Conservation District fencing requirements to allow a predominately open front yard fence to be 5' 8" tall, located at 3907 and 3911 West Horseshoe Bend. Staff recommends Denial. (Council District 7) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number:	BOA-21-10300022
Applicant:	Catalina Chavez
Owner:	Catalina Chavez
Council District:	7
Location:	3907 and 3911 West Horseshoe Bend
Legal Description:	Lots 273 and 276, Block E, NCB 11551
Zoning:	"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

### Request

A request for a variance to the Ingram Hills Neighborhood Conservation District fencing requirements to allow 1) a predominately open front yard fence to be 5' 3" tall for 3907 West Horseshoe Bend and 2) a predominately open front yard fence to be 5' 8" tall for 3911 West Horseshoe Bend.

### Executive Summary

The subject properties each have a single-family dwelling on the property and are located within the Ingram Hills Neighborhood Conservation District (NCD-3). Predominately open fences have been installed in the front

yard. 3907 West Horseshoe Bend has a wrought iron fence and 3911 West Horseshoe Bend has a wrought iron fence with masonry posts. While they do meet the fence height limitation of the Unified Development Code for large lots, the maximum allowable fence height for NCD-3 is 4'. The Ingram Hills NCD was established on September 9, 2004. Residential building plans were processed and approved in 2011 and 2019, which contained notes from residential plan review stating a taller fence height would be allowed. The reviewer notes do contradict the NCD design standards. The fence height was discovered at Final Inspection and brought to the attention of the applicant. The neighboring home with similar fencing was reviewed and approved in 2011 and as such no plans are available for fence height confirmation. During the routine site visit, it was observed that fencing in the surrounding area appeared to be installed with similar design and height.

### **Code Enforcement History**

There are no open code enforcement cases.

### **Permit History**

Residential building permits have been pulled and issued for each property.

### **Zoning History**

The subject property was annexed into San Antonio City Limits on September 25, 1952, established by Ordinance 18115. Upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001), the zoning converted from "R-3" to "MF-33" Residential Mixed District. The zoning changed from "MF-33" to the current "R-20" Residential Single-Family District on June 13, 2002, established by Ordinance 95919.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-family dwelling

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-family dwelling

South	“C-1 NCD-3 MLOD-2 MLR-2 AHOD” Light Commercial Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot
East	“R-20 NCD-3 MLOD-2 MLR-2 AHOD” Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-family dwelling
West	“C-2NA NCD-3 MLOD-2 MLR-2 AHOD” Commercial Non-Alcoholic Sales Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-family dwelling

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

The subject property is in the Ingram Hills Community Plan and is designated “Low Density Residential Estate” in the future land use component of the plan. The subject property is located within the Ingram Hills Neighborhood Association and were notified of the case.

### **Street Classification**

West Horseshoe Bend is classified as a Local Road.

### **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. In this case, the variance being requested is for the front yard fencing of the lots located at 3907 and 3911 West Horseshoe Bend. Other fences in the surrounding area appear to be of similar design and height, so the fencing does not detract from the character of the district.

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

The variance is being requested from the Ingram Hills Neighborhood Conservation District fence height standards.

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

*done.*

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The intent of the NCD is to provide uniformity among properties and the neighborhood. There are other fences in the surrounding area of similar design and height.

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

No uses other than those allowed within the district will be allowed with this variance.

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 request to allow the fence height does not seem likely to pose a risk of substantially injuring the use of adjacent properties and does may seem likely to alter the essential character of the district. Many of the lots in the surrounding area have predominately open front yard fencing.

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.*

Staff finds the unique circumstances existing on the property were not created by the plight of the owner and are not merely financial as residential permits were issued in 2019.

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

The alternative to the applicant's request is to conform to the Ingram Hills Neighborhood Conservation District Fence Height Standards.

### **Staff Recommendation**

Staff recommends Denial in BOA-21-10300022 based on the following finding of fact:

1. The front yard fence is 5' 3" tall for 3907 West Horseshoe Bend; and
2. The front yard fence is 5' 8" tall for 3911 West Horseshoe Bend; and
3. The fence is not consistent with the standards of the Ingram Hills Neighborhood Conservation District.