



# City of San Antonio

## Agenda Memorandum

**File Number:**18-5260

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**Agenda Item Number:** 2.

**Agenda Date:** 9/17/2018

**In Control:** Board of Adjustment

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**Case Number:** A-18-171  
**Applicant:** Robert and Carmen Puente  
**Owner:** Robert and Carmen Puente  
**Council District:** 8  
**Location:** 8138 Donore Place  
**Legal:** Lot NW 280 feet of Lot 18, NCB 11623  
**Description:**  
**Zoning:** "R-5 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 an 8' tall solid screen fence in the front yard.

### **Executive Summary**

The subject property is situated at the intersection of Tupelo Lane and Donore Place, approximately 1,800' northeast of Fredericksburg Road. The applicant is seeking a special exception to allow a fence to be as tall as 8' in the front yard. During field visits, staff noted that the subject property has an incremental elevation increase from the street level up to the house. Neighboring properties with approximately 6' solid screen fencing also have incremental elevation from the street level.

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

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

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Apartments, Single-Family Dwelling
South	"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling
West	"R-6 PUD AHOD" Residential Single-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Dwelling

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

The subject property is within the boundaries of the North Sector Plan and is currently designated Suburban Tier in the future land use component of the plan. The subject property is not located within the boundaries of a Neighborhood Association.

### **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 an 8' tall fence in the front yard is in harmony with the spirit of the chapter. No portion of the fence is in violation of the Clear Vision field.**

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

**The public welfare and convenience can be served by the added privacy of higher fencing, allowing the owner to create a private environment in 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 front yard fence will create a private environment for the 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 "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District and permits the current use of a single-family home. 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 **A-18-171** based on the following findings of fact:

1. The height of the fence is unlikely to detract from the character of the community.