



# City of San Antonio

## Agenda Memorandum

**File Number:**18-6385

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**Agenda Item Number:** 8.

**Agenda Date:** 11/19/2018

**In Control:** Board of Adjustment

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Case Number: BOA-18-900002  
Applicant: Miguel Espinoza  
Owner: Miguel Espinoza  
Council District: 1  
Location: 234 Millwood Lane  
Legal: Lot 24, Block 14, NCB 12082  
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 a fence to be as tall as 6' within the front yard of the property.

### **Executive Summary**

The subject property is located on Millwood Lane, approximately 569' west of McCullough Avenue. The applicant constructed a privacy fence on the east side property line within the front yard at a maximum height of 6' and decreasing in height to 4'. There is a noticeable deviation in elevation of the applicant's side yard. The 6' fence is located directly above a 3' retaining wall and a slope is present along the entirety of the side property line.

### **Code Enforcement History**

Code Enforcement issued a warning, but did not issue a citation.

### **Permit History**

The applicant did not apply for a fence permit.

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

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
North	“R-5 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 North Central 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 Shearer Hills-Ridgeview Neighborhood Association. As such, they were notified and asked to comment.

### Street Classification

Millwood Lane is classified as a Local street.

### 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 UDC states the Board of Adjustment can grant a special exception for a fence height modification up to eight feet. The additional fence height is intended to provide privacy of the applicant’s property. If granted, this request would be in harmony with the spirit and purpose of the ordinance.**

*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. A 6’ tall solid screen fence was built along a portion of the side property line to provide additional privacy for the applicant’s property. This is not contrary to the public interest.**

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

**The fence will create enhanced privacy for the subject property and is highly unlikely to injure adjacent properties; with a slope and retaining wall present, the 6’ solid screen fence height does not seem out of character within the community. Further, the fencing does not violate Clear Vision standards.**

*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 fencing does not detract from the character of the neighborhood. The fencing is in line with other preexisting fencing material and height within the immediate vicinity.**

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

**The special exception will not allow the operation of a use not permitted within the property's current base zoning district. The requested special exception will not weaken the general purpose of the district.**

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

Denial of the variance request and special exception would result in the owner having to meet the required fence height regulations in Section 35-514.

### **Staff Recommendation**

Staff recommends **APPROVAL** of the requested special exception for a 6' tall fence within the front yard in **A-18-900002**, based on the following findings of fact:

1. The fence height decreases to 4' and does not run along the entire length of the side property line, and;
2. Clear Vision standards are not in violation.