



# City of San Antonio

## Agenda Memorandum

**File Number:**18-6605

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**Agenda Item Number:** 8.

**Agenda Date:** 12/3/2018

**In Control:** Board of Adjustment

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Case Number: BOA-18-900009  
Applicant: Reyes Montemayor  
Owner: Reyes Montemayor  
Council District: 6  
Location: 6911 Brookfield Drive  
Legal: Lot 3, Block 12, NCB 18632  
Description:  
Zoning: "R-6 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 4'3" privacy fence on the side property line within the front yard, and 2) a 6' privacy fence on the side property line within the front yard.

### **Executive Summary**

The subject property is located on Brookfield Drive, approximately 185' west of Timberhill Drive. The applicant constructed a privacy fence on the side property line within the front yard at a maximum height of 6' and decreasing in height to 4'3" midway along the front property.

### **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
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“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
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### 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 not within the boundaries of any plan and has no future land use component of the plan. The subject property is not located within the boundaries of any neighborhood association.

### Street Classification

Brookfield 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 decreasing to 4’3” 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 decreasing to 4’3” 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 in **A-18-900009**, based on the following findings of fact:

1. The 6' solid screen fence decreases to 4'3" midway along the side property, and;
2. Clear Vision standards are not in violation.