



# City of San Antonio

## Agenda Memorandum

**File Number:**19-3915

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**Agenda Item Number:** 4.

**Agenda Date:** 5/6/2019

**In Control:** Board of Adjustment

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Case Number: BOA-18-10300042  
Applicant: COGO Investments, LLC  
Owner: COGO Investments, LLC  
Council District: 1  
Location: 421 Warren Street  
Legal: Lot 7 and the East 4 feet of Lot 8, Block W PT 7, NCB 755  
Description:  
Zoning: "RM-4 AHOD" Mixed Residential Airport Hazard Overlay District  
Case Manager: Mercedes Rivas, Planner

### **Request**

A request for a special exception to allow an existing 8' fence along the side and rear property lines as described in Section 35-514.

### **Executive Summary**

The subject property is located at 421 Warren Street. The applicant is seeking permission to keep an existing 8' wooden fence along the side and rear property lines in order to provide privacy and security. The property is currently operating as a Type-2 Short Term Rental and the subject property is surrounded by residential properties.

### **Code Enforcement History:**

No Code Enforcement history exists on the property.

### **Permit History:**

A permit for a 6' tall wooden fence was issued on February 6, 2019. The property owner is seeking a variance to allow an existing 8' fence along the side and rear property lines

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

Existing Zoning	Existing Use
"RM-4 AHOD" Mixed Residential Airport Hazard Overlay District	Single-Family Home

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

### Comprehensive Plan Consistency/Neighborhood Association

The property is located within the Five Points Neighborhood Plan and is designated as "Medium Density Residential" in the future land use component of the plan. The subject property is located within the Five Points Neighborhood Association. As such, they were notified and asked to comment.

### Street Classification

Warren Street is classified as a Local Street.

### 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 UDC states the Board of Adjustment can grant a special exception for a fence height modification up to 8'. The additional fence height is intended to provide privacy and security to the applicant's property. If granted, this request would be in harmony with the spirit and purpose of the ordinance. No portions of the fences will be in violation of the Clear Vision field.**

*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. The fence height will be built along the side and rear property lines to provide privacy and security to 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.*

**No portion of the fence will be 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 8' fence along the side and rear property lines would not significantly alter the overall appearance of the district and would provide added security and protection for the property owner.**

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

**The purpose of the fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow an 8' fence in order to add security and protection for the subject property. 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 **BOA-19-10300042**, based on the following findings of fact:

1. The fence will provide additional privacy and security to the subject property.