



# City of San Antonio

## Agenda Memorandum

**File Number:**19-4810

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**Agenda Item Number:** 6.

**Agenda Date:** 6/17/2019

**In Control:** Board of Adjustment

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Case Number: BOA-18-10300070  
Applicant: Henry A Hernandez  
Owner: Henry A Hernandez  
Council District: 5  
Location: 201 Le Compte Place  
Legal: Lot 1&2, Block 2, NCB 7782  
Description:  
Zoning: "R-4 MLOD-2 MLR-2 AHOD" Residential-Single Family  
Lackland Military Lighting Overlay Military Lighting  
Region 2 Airport Hazard Overlay District  
Case Manager: Mercedes Rivas, Planner

### **Request**

A special exception to allow a 6' predominantly open fence within the front yard as described in Section 35-514.

### **Executive Summary**

The subject property is located at 201 Le Compte Place. The applicant is seeking permission to keep a 6' predominantly open fence along the front property line in order to provide more privacy and security to their front yard. The resident constructed the fence to decrease vandalism on his property and to prevent people from walking their pets on his yard. The subject property is surrounded by residential properties.

### **Code Enforcement History:**

On May 8, 2019 the applicant received a code violation for building a 6' fence without a permit. The case is currently open.

### **Permit History:**

There is no permit history related to the 6' fence on the property. The property owner is seeking a variance to

allow for a permit to be issued.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-4 MLOD-2 MLR-2 AHOD” Residential- Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 MLOD-2 MLR-2 AHOD” Residential- Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
South	“R-6 MLOD-2 MLR-2 AHOD” Residential- Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
East	“R-4 MLOD-2 MLR-2 AHOD” Residential- Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
West	“R-6 MLOD-2 MLR-2 AHOD” Residential- Single Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home

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

The property is located within the South Central San Antonio Community Plan and is currently designated “Low Density Residential” in the land use component of the plan. The subject property is not located within a Neighborhood Association.

### **Street Classification**

Le Compte Place 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 allows a 5' predominantly open fence by right. 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 a more secure and private space for the residents. 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 was built along the front property line to provide a more secure and private space for the residents. 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 is violation of the Clear Vision field. No adjacent property owner, nor the traveling public, will be harmed by the existing 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 6' fence along the front property line 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. This special exception request is to allow a 6' fence in order to provide a more secure and private space for the residents. 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-19-10300070**, based on the following findings of fact:

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