



City of San Antonio

Agenda Memorandum

File Number:19-6940

Agenda Item Number: 4.

Agenda Date: 9/16/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300095
Applicant: Carlos and Esmeralda Campos
Owner: Carlos and Esmeralda Campos
Council District: 6
Location: 6618, 6622 and 6614 Marcum Drive
Legal: Lot 30, Block 8, NCB 16518
Description:
Zoning: "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family
Lackland Military Lighting Overlay Military Lighting
Region 1 Airport Hazard Overlay District
Case Manager: Mirko Maravi, Planner

Request

A request for 1) a special exception as described in section 35-514, to allow a privacy fence to be up to 8' tall on the front yard of the front property line, 2) a special exception as described in section 35-514, to allow a privacy fence to be 4' tall within front yard of the side property lines, 3) a variance from the restriction of metal sheeting and corrugated metal as a fencing material as described in section 35-514, to allow for its use.

Executive Summary

The subject property is a single-family dwelling comprised of 3 lots in 0.98 acres of land. The subject property is on a street with large lot residential dwellings and one church. During field visits, staff noticed the 8' entrance/exit gates in the front of the property made of metal sheeting and corrugated metal.

Code Enforcement History

Citations issued for fence height over 5 feet on August 5, 2019.

Permit History

None.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the West Sector Plan. The subject property is located within the Cable-Westwood Neighborhood Association, as such, they were notified and asked to comment.

Street Classification

Marcum Drive is classified as a Local.

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 safety and security 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 8' tall closed gate was built in two portions of the front property line with metal sheeting and corrugated metal and a 4' tall privacy fence within the front yard of the side property line to provide additional security 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 security for the subject property and is highly unlikely to injure adjacent properties as it has been in place for more than 2 years. 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 property is located within the "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and permits the current use. 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 an 8' tall fence along the front property line and a 4' privacy fence within the front yard of the side property line, based on the following findings of fact:

1. The fence has been in place for more than 2 years, and;
2. Clear Vision standards are not in violation.

Staff recommends **APPROVAL** of the requested variance from metal sheeting and corrugated metal, based on the following findings of fact:

1. The fence has been in place for more than 2 years, and;
2. Clear Vision standards are not in violation.