



# City of San Antonio

## Agenda Memorandum

**File Number:**20-4251

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**Agenda Item Number:** 3.

**Agenda Date:** 7/20/2020

**In Control:** Board of Adjustment

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**Case Number:** BOA-20-10300060  
**Applicant:** Sarah Manzke  
**Owner:** Sarah Manzke  
**Council District:** 7  
**Location:** 2160 West Summit Ave  
**Legal:** Lot 16, East 40 ft of Lot 17, Block 0, NCB 6826  
**Description:**  
**Zoning:** "R-6 H AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Azadeh Sagheb, Planner

### **Request**

A request for a 2' special exception, as described in Section 35-514, to allow a fence to be 8' tall along the east side property line.

### **Executive Summary**

The subject property is located at 2160 West Summit Avenue, South of Fredericksburg Road, and North of Woodlawn lake. The area is predominately surrounded by residential buildings. Currently, there is a 6' tall privacy fence along the eastside property line. The applicant is proposing an additional 2' to be added to the existing fence to increase privacy. Following the uneven ground, the fence has three steps and the owner states the fence height will not exceed 8' at any point if approved by the Board.

The subject property is located within the Monticello Park Historic District and the applicant already obtained the Certificate of Appropriateness (COA) from the Office of Historic Preservation.

### **Zoning History**

The subject property is located within the original 36 square miles of the City of San Antonio and zoned "R-1" Single Family Residential. The subject property was designated as "H" Historic District by Ordinance 85737 dated March 13, 1997. Upon adoption of the 2001 Unified Development Code, the property zoned "R-1 H" Single-Family Residential Historic converted to the current "R-6 H" Residential Single-Family Historic District.

### **Code Enforcement History**

No code enforcement history exists on this property.

### **Permit History**

No permits have been processed for this property.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-6 H AHOD" Residential Single-Family Airport Hazard Overlay District	Residential

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-6 H AHOD" Residential Single-Family Airport Hazard Overlay District	Residential
South	"R-6 H AHOD" Residential Single-Family Airport Hazard Overlay District	Residential
East	"R-6 H AHOD" Residential Single-Family Airport Hazard Overlay District	Residential
West	"R-6 H AHOD" Residential Single-Family Airport Hazard Overlay District	Residential

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

The subject property is within the boundaries of the Near Northwest Community Plan and currently designated as Urban Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Jefferson/Woodlawn lake Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

West Summit Street 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 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. An 8' tall closed fence along east side property line will be built 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 and privacy for the subject property and is highly unlikely to injure adjacent properties. The material and style of the fence is similar to other fences and is not noticeable from the right-of-way.**

*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 current zoning 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 **BOA-20-10300060**, based on the following findings of fact:

1. The side yard fence does not extend past the front façade of the primary residence and;
2. The material and look of the existing fence is not out of character with the surrounding neighborhood.