



# City of San Antonio

## Agenda Memorandum

**File Number:**21-3618

**Agenda Item Number:** 7.

**Agenda Date:** 5/17/2021

**In Control:** Board of Adjustment

Case Number:	BOA-21-10300047
Applicant:	Sean Clay
Owner:	Sean Clay
Council District:	9
Location:	11907 Tarragon Cove
Legal Description:	Lot 111, Block 3, NCB 16616
Zoning:	"MF-33 PUD AHOD" Multi-Family Planned Unit Development Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Senior Planner

### **Request**

A request for a 2' special exception to the permitted 6' solid screen fence in Section 35-514(c) to allow a side and rear yard fence to be 8' tall.

### **Executive Summary**

The subject property is located on the northcentral side of San Antonio within a single-family subdivision. The zoning in the neighborhood is multi-family but the predominant use is single-family dwellings. The applicant is requesting a special exception to allow a fence along the back and side property lines to be 8' tall. The abutting road to the requested 8-foot fence is Braesview which is classified as a Local B road.

### **Code Enforcement History**

No Code Enforcement history found for this property.

### **Permit History**

No relevant permits found for this property.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 41428 dated December 26, 1972

and was zoned “R-3” Multiple-Family Residence District. The property was rezoned by Ordinance 44620, dated November 14, 1974 to the “P-1(R-3)” Planned Unit Development Multiple-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “P-1(R-3)” Planned Unit Development Multiple-Family Residence District converted to the current “MF-33 PUD” Multi-Family Planned Unit Development District.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“MF-33 PUD AHOD” Multi-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Residence

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	Right of Way	Braesview
South	“MF-33 PUD AHOD” Multi-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Residence
East	“MF-33 PUD AHOD” Multi-Family Planned Unit Development Airport Hazard Overlay District	Single-Family Residence
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Condos

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

The subject property is located within the San Antonio International Airport Vicinity Community Plan and is designated “Medium Density Residential” in the future land use component of the plan. The subject property is located within 200 feet of the North Castle Hills Neighborhood Association, and as such they have been notified of the case.

### **Street Classification**

Tarragon Cove is classified as a Local Road. Braesview is classified as a Local B Road, however it operates as a Collector. Larkspur Dr to the rear is a Local which also serves as a collector.

### **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. 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. Braesview acts as a collector. If the street was defined as a collector, the proposed fence height would be allowed.**

*B. The public welfare and convenience will be substantially served.*

**In this case, these criteria are represented by fence heights to protect residential property owners while still promoting a sense of community. An 8' fence along the back and side property lines will provide additional privacy and 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 unlikely to injure adjacent properties.**

*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 additional height for the section of side and rear yard fence will not alter the essential character of the district and will provide security of the district.**

*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 of a single-family home. The requested special exception will not weaken the general purpose of the district.**

### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the fence regulations of the UDC Sections 35-514.

### **Staff Recommendation**

Staff recommends **Approval** in **BOA-20-10300047** based on the following findings of fact:

1. The 8' fence will be constructed on the back and side property lines; and
2. The side yard abuts Braesview, which operates as a Collector and if classified as such, would permit an 8' fence by right.