



City of San Antonio

Agenda Memorandum

File Number:21-4481

Agenda Item Number: 7.

Agenda Date: 6/21/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300061
Applicant:	Rhonda Schrantz
Owner:	Rhonda Schrantz
Council District:	7
Location:	4119 E Horseshoe Bend
Legal Description:	Lot 144, Block E, NCB 11546
Zoning:	"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Senior Planner

Request

A request for a 1 foot variance from the Ingram Hills Neighborhood Conservation District maximum fence height standard for front yard fences, as described in Section 35-335.

Executive Summary

The property is located in the northwest side of the City of San Antonio, just south of the intersection of Callaghan Road and East Horseshoe Bend. The property is surrounded by large "R-20" lots within that Ingram Hills Neighborhood Conservation District. Applicant is requesting to have a 5' tall wrought iron fence in the front yard. The Unified Development Code Ch. 35-514 does allow 6' predominantly open fences for lots 20,000 square feet or larger. However, the Neighborhood Conservation District limits front yard fences in "R-20" or "RE" at a maximum height of 4' predominantly open. A newly constructed multi-family development north of the subject property prompted the property owner to seek the additional height for extra security on their lot.

Code Enforcement History

No code enforcement history exists on this property.

Permit History

RES-FEN-APP21-31800627 was applied for on May 11, 2021 for the 5' fence. May 12, 2021, staff notified applicant of the required variance.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, September 25, 1952, and zoned "A" Single-Family Residence District. The zoning converted from "A" Single-Family Residence to the "R-5" Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001). The property was rezoned by Ordinance 95919, dated June 13, 2002, to the current "R-20" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

West	"R-20 NCD-3 MLOD-2 MLR-2 AHOD" Residential Single-Family Ingram Hills Neighborhood Conservation Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
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Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Ingram Hills Community Plan and is designated “Low Density Residential Estate” in the future land use component of the plan. The subject property is located within the Ingram Hills Neighborhood Association and as such they were notified of the case.

Street Classification

East Horseshoe Bend is classified as a Local Road.

Criteria for Review - Variances

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The Ingram Hills NCD front yard fence standards was adopted to maintain the character of the area. The variance to the NCD standards is for the front yard fence and is contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

The Ingram Hills NCD design standards are an additional layer of review and regulations to maintain the character of the neighborhood. Literal enforcement of the ordinance would not result in unnecessary hardship.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

Variances to the NCD design standards do not observe the spirit of the ordinance as it strays away from design requirements.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The height of the front yard fence should be in compliance with the Ingram Hills NCD. The essential character of the district is maintained with the NCD design standards.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The front yard fence should abide by the Ingram Hills NCD design standards. There are no unique circumstances existing on the property that would permit the absence of enforcement of the NCD standards.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the NCD standards of the UDC Sections 35-335.

Staff Recommendation

Staff recommends **Denial** in **BOA-21-10300061** based on the following findings of fact:

1. Neighborhood Conservation District permits a 4' front yard fence in the "R-20" base zoning district; and
2. The structure has design aspects that are not consistent with the design regulations of the Ingram Hills Neighborhood Conservation District.