



# City of San Antonio

## Agenda Memorandum

**File Number:**21-4987

**Agenda Item Number:** 7.

**Agenda Date:** 8/2/2021

**In Control:** Board of Adjustment

Case Number:	BOA-21-10300079
Applicant:	Catalina Rocha
Owner:	Catalina Rocha
Council District:	3
Location:	216 Fairview Avenue
Legal Description:	Lot 29, Block 3, NCB 3207
Zoning:	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

### **Request**

A request for 1) a special exception from the maximum 3' fence height, as described in Section 35-514, to allow a front yard solid screened fence to be 6' tall and 2) a special exception from the maximum 6' fence height, as described in Section 35-514, to allow a portion of a side yard fence to be 8' tall.

### **Executive Summary**

The subject property is located near the Fairview Avenue and Devoto Street intersection and currently has a single-family home constructed on the property. The applicant is requesting a special exception to allow a front yard fence to be 6' tall. Additionally, upon the site visit, staff observed a tall portion of fence in the rear yard that exceeded the fence height about 2'. Staff included a special exception for the portion of side yard fence. DSD Traffic Staff reviewed the front yard fence and it does not have any issues with Clear Vision.

### **Code Enforcement History**

Code Enforcement has a permit investigation pending resolution for building the front yard fence without a permit. This has been ongoing since November 20, 2020.

### **Permit History**

The fence permit is pending the outcome of the BOA Hearing.

### **Zoning History**

The subject property is located within the Original San Antonio City Limits and was zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “B” to the current “R-4” Residential Single-Family District.

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

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling

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

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-family dwelling

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

The subject property is located in the South Central San Antonio Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Riverside Neighborhood Association, and they were notified of this request.

#### **Street Classification**

Fairview Avenue is classified as a local road.

#### **Criteria for Review - Fence Height**

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. Staff finds the additional fence height 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 fence heights to protect residential property owners while still promoting a sense of community. A 6’ fence along the front yard and an 8’ tall fence on a portion of the side yard fence do not pose any adverse effects to the public welfare.**

*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 substantially injure any neighboring 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 front yard fence will not alter the essential character of the district. DSD Traffic Staff did review the fence and it does not violate any Clear Vision Standards. Other properties in the surrounding areas seem to have similar solid-screened fencing so it is not out of character with the neighborhood.**

*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 Lot and Building Dimensions of the UDC Sections 35-310.01 and the Fence Height Regulations of Section 35-514.

#### **Staff Recommendation - Front Yard Fence Special Exception**

Staff recommends **Approval** in **BOA-21-10300079** based on the following findings of fact:

1. The front yard fence does not violate any Clear Vision Standards; and
2. The front yard fence is not out of character of the neighborhood; and
3. The fence in the rear yard is separate from the fence along the property line.