



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 17, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300102

**APPLICANT:** Brown & McDonald PLLC

**OWNER:** Jennifer & Kenneth Hartmann

**COUNCIL DISTRICT IMPACTED:** District 10

**LOCATION:** 2914 Eisenhower Road

**LEGAL DESCRIPTION:** The west 142.29 feet of the east 402.3 feet of the north 172.23 feet of Lot 10, NCB 9040

**ZONING:** "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 3'-6" special exception from the maximum 3' height to allow a 6'-6" front yard privacy fence. Section 35-514(c)(1)

**Executive Summary**

The subject property is located along Eisenhower Road, north of Austin Highway, located within the notification boundary of Oak Park Northwood Neighborhood Association. The applicant currently has an existing combined fence, which in the application and confirmed on site visits is exhibiting deterioration and at risk of falling over in some portions. The applicant is seeking to replace the front yard fence, only the portion boarding Eisenhower Road, with a 6'-6" privacy fence. The property is over 20,000 square feet and has over 100 feet of street frontage per Bexar County records, which permits a 6' predominantly open fence in the front yard.

**Code Enforcement History**

No relevant code enforcement history for the subject property.

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and originally zoned “A” Single-Family Residence District. The property was rezoned by Ordinance 45621, dated August 21, 1975, to “R-6” Townhouse Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-6” Townhouse Residence District converted to “RM-4” Residential Mixed District.

**Subject Property Zoning/Land Use****Existing Zoning**

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**South****Existing Zoning**

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**East****Existing Zoning**

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West****Existing Zoning**

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Northeast Inner Loop Neighborhood Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the notification boundary of Oak Park Northwood Neighborhood Association, and they have been notified of the request.

### **Street Classification**

Eisenhower Road is classified as a Secondary Arterial Type B.

### **Criteria for Review – Fence Height Special Exception**

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

*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 fence height being requested is a 6’-6” privacy fence for the front of the yard. If granted, staff finds the request would not be in harmony with the spirit and purpose of the ordinance, as the request exceeds the maximum height requirements for a privacy fence in the front yard on a large lot.

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

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The proposed privacy fence does not appear to serve the public welfare and convenience, as there were no fences like the proposed design in the immediate surrounding area.

*C. The neighboring property will not be substantially injured by such proposed use.*

The fence special exception does not appear to create any additional enhanced security and privacy for the subject and adjacent properties as a 6’ predominantly open fence is permitted in the front yard.

*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 fence height appears to alter the location for which the special exception is sought, as no similar styled fences were observed to be in the immediate surrounding area.

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

The requested special exception will weaken the general purpose of the district as it goes against the established Unified Development Code fence standards.

### **Alternative to Applicant’s Request**

The alternative to the applicant's request is to conform to the Fence Height Regulations of Section 35-514 of the Unified Development Code.

**Staff Recommendation – Fence Height Special Exception**

Staff recommends Denial in BOA-24-10300102 based on the following findings of fact:

1. No special conditions exist to necessitate the need for a 6'-6" privacy fence in the front yard.
2. The requests will alter the essential character of the neighborhood.
3. The large lot permits a 6' predominantly open fence in the front yard.