



City of San Antonio

Agenda Memorandum

Agenda Date: April 7, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300033

APPLICANT: Gudbrandur Brandsson

OWNER: Gudbrandur Brandsson

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: 165 East Petaluma Blvd

LEGAL DESCRIPTION: South 122.45 feet of Lot 92, Blk 1, NCB 11155

ZONING: "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

CASE MANAGER: Manuel Mottu, Planner

A request for:

A 1' fence height special exception from the maximum 5' front yard fence height to allow a 6' predominately open front yard fence.

Section 35-514(c)(1)

Executive Summary

The subject property is located along East Petaluma Boulevard, east of Pleasanton Road located within the Harlandale-McCollum Neighborhood Association. The applicant is requesting relief from the Board of Adjustment to allow a 6' predominately open fence in the front yard due to expressed security and safety concerns over break-ins. The applicant has not constructed the fence yet and the issuance of permits is pending Board of Adjustment outcome.

Code Enforcement History

No Code Enforcement history found.

Permit History

RES-FEN-APP25-31800185

Zoning History

The property was annexed by Ordinance 18115, dated September 25th, 1952, and was zoned “A” Temporary Residence District. The property was rezoned by Ordinance 24277, dated January 24th, 1957, to “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3rd, 2001, the property zoned “B” Residence District converted to “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Quadplex

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Residence

South

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Residence

East

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Residence

West

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Residential – Vacant Lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within any Neighborhood, Sector or SA-Tomorrow Plan. The subject property is located within the notification area of the Harlendale-McCollum Neighborhood Association, and they have been notified of the request.

Street Classification

East Petaluma Blvd. is classified as a Local Street.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, in order 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 Unified Development Code states the Board of Adjustment can grant a special exception for a fence height modification. Staff finds that the 6' fence height being requested for the front yard of the property will not be in harmony with the spirit and purpose of the chapter as no other residential property in the surrounding area exceed the Unified Development Code fence height requirements.

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 requested fence height does not appear to provide additional security beyond the Unified Development Code fence height limitations and does not appear to be in line with the fence heights from surrounding properties which do not exceed the Unified Development Code fence height guidelines.

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

The requested fence height appears to be out of character for the district and does not appear provide additional security beyond the Unified Development Code fence height requirements, thus, causing substantial injury to the neighboring properties the majority of which are single-family residences.

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 will alter the essential character of the location for which the special exception is sought due to the neighboring single-family residence properties within the immediate vicinity all having fences that comply with the Unified Development Code requirements.

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

The requested fence height exception will weaken the general purpose of the district as it will not align with the fence heights of surround properties which comply with the regulations set by the Unified Development Code adopted by the City of San Antonio.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the fence height requirements of the UDC Section 35-514(c)(1).

Staff Recommendation – Fence Height Special Exception

Staff recommends Denial in BOA-25-10300033 based on the following findings of fact:

1. The request is in a mostly residential area where all neighboring properties within the immediate vicinity have fences which do not exceed the fence height limitations.
2. The fence height special exception will alter the essential characteristics of the district in which the property is located.