



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 2, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300215

**APPLICANT:** Nancy Cade

**OWNER:** Nancy Cade

**COUNCIL DISTRICT IMPACTED:** District 8

**LOCATION:** 5331 Lockhill Road

**LEGAL DESCRIPTION:** Lot 15, Block 10, NCB 14710

**ZONING:** "RE" Residential Estate District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

1) A 4' Special Exemption from the maximum 6' height to allow a 10' predominately open fence on the front yard.

Section 35-514

2) A 2' Special Exemption from the maximum 8' height to allow a 10' predominately open fence on the side and rear yard.

Section 35-514

**Executive Summary**

The subject property is located along Lockhill Road, north of Huebner Road, located within the Oakland Estates Neighborhood Association. The applicant erected a fence without permit at 10' predominately open surrounding the property. The applicant stated a desire to prevent deer from

entering the property for the purpose of the fence. Under Section 35-514(b)(2) the lot is permitted 6' in the front as a large lot and 8' in the side and rear with the presence of the swimming pool.

### **Code Enforcement History**

INV-PBP-24-3100005519 - PMT-Building Without a Permit

### **Permit History**

Building permit is pending outcome from the Board of Adjustment.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 41426, dated December 25, 1972, and was originally zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 89402, dated March 11, 1999, to "R-8" Large Lot Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-8" Large Lot Residence District converted to the "R-20" Residential Single-Family District. The property was rezoned by Ordinance 2007-04-19-0471, dated April 19, 2007, to the current "RE" Residential Estate District.

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

#### **Existing Zoning**

"RE" Residential Estate District

#### **Existing Use**

Single-Family Dwelling

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

#### **North**

##### **Existing Zoning**

"C-3" General Commercial District

##### **Existing Use**

Single-Family Dwelling

#### **South**

##### **Existing Zoning**

"RE" Residential Estate District

##### **Existing Use**

Single-Family Dwelling

#### **East**

##### **Existing Zoning**

"O-2" High-Rise Office District

##### **Existing Use**

Vacant Lot

#### **West**

##### **Existing Zoning**

"RE" Residential Estate District

**Existing Use**  
Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the Oakland Estates Neighborhood Plan and is designated as “Low Density Residential Estate” in the future land use component of the plan. The subject property is located within the Oakland Estates Neighborhood Association and RiotCommons Community Organization, and they have been notified of this request.

**Street Classification**

Lockhill Road is classified as a Local Road.

**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 10’ predominately open fence in the front, side and rear yard. Staff finds the request would not be in harmony with the spirit and purpose of the ordinance, as the large lot is already afforded an increased 6’ fence height in the front yard and a 8’ fence height on the side and rear yard.

*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 predominately open fence in the perimeter does not appear to serve the public welfare and convenience, as no front yard fence is seen in the area exceeding the guidelines afforded by the UDC. The lot is already afforded an additional foot of height in the front yard due to its large size and the side/rear due to a swimming pool.

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

The fence height special exception does not appear to create additional enhanced security and privacy for the subject and adjacent properties and will substantially injure said 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 fence height in the lot will alter the location for which the special exception is sought, as no lots in the immediate area were seen to exceed the already enhanced 6’ for the front of the yard of the large lot and 8’ in the side and rear yard.

*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 for the fence height will weaken the general purpose of the district as the excessive request is beyond the enhanced allotment of 6' front yard provided for large lots and the 8' for the side/rear yard.

**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.

**Staff Recommendation – Fence Height Special Exception**

Staff recommends Denial in BOA-24-10300215 based on the following findings of fact:

1. Large lots are already allowed an enhanced 6' height in the front yard.
2. The side and rear yard provides an additional height to 8' for a swimming pool.
3. The special exception will alter the essential character of the district in which the property is located.