



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** July 1, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300108

**APPLICANT:** Enrique and Yolanda Aguilar

**OWNER:** Enrique and Yolanda Aguilar

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 2622 Lakeledge Street

**LEGAL DESCRIPTION:** Lot 32, Block 3, NCB 18243

**ZONING:** "R-6 MLOD-3 MLR-1" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 3 District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 2' special exception from the maximum 6' fence height to allow an 8' privacy fence in the side yard.

Section 35-514

**Executive Summary**

The subject property is located along Lakeledge Street, south of US Highway 87 East. The applicant was issued a notice of violation on May 22, 2024, for constructing a fence without a permit. The applicant stated they added height to an existing fence for security and privacy reasons against one side of their property due to the abutting neighbor's numerous cameras. Furthermore, the applicant stated they only wish to keep 8 feet on one side of the property behind the front façade. The rest of the fencing height on the property follows the Unified Development Code. The

subject property has a carport that appears Non-Conforming in the front as street view photos shows it was built prior to 2007.

### **Code Enforcement History**

INV-PBP-24-3100002858 PMT–Building Without a Permit (05/22/2024)

### **Permit History**

The issuance of a build permit is pending Board of Adjustment outcome.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 64023, dated December 28, 1986, and originally zoned “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to “R-6” Residential Single-Family District.

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

#### **Existing Zoning**

“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 3 District

#### **Existing Use**

Single-Family Dwelling

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

#### **North**

#### **Existing Zoning**

“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 3 District

#### **Existing Use**

Single-Family Dwelling

#### **South**

#### **Existing Zoning**

“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 3 District

#### **Existing Use**

Single-Family Dwelling

#### **East**

#### **Existing Zoning**

“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 3 District

#### **Existing Use**

Single-Family Dwelling

#### **West**

**Existing Zoning**

“R-6 MLOD-3 MLR-1” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 3 District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Southeast Community Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is not located within any Neighborhood Association boundary.

**Street Classification**

Lakeledge Street 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 an 8’ privacy fence for the side 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 side 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 privacy fence does not appear to serve the public welfare and convenience, as there are no special circumstances to warrant the need to exceed the height limitations of the Unified Development Code.

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

The fence variance does not appear to create any additional enhanced security and privacy for the subject and adjacent properties if it does not conform to the original Unified Development Code fence guidelines.

*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-24-10300108 based on the following findings of fact:

1. The request will alter the essential character of the neighborhood.
2. No other similar fence height in the side yard was seen in the immediate area.