



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 21, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300196

**APPLICANT:** Carol Rodriguez

**OWNER:** Carol Rodriguez

**COUNCIL DISTRICT IMPACTED:** District 7

**LOCATION:** 3614 Lisa Drive

**LEGAL DESCRIPTION:** Lot 9, NCB 13001

**ZONING:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**CASE MANAGER:** Melanie Clark, Planner

**A request for:**

1) A 4' Fence Height Special Exception from the maximum 3' height to allow a 7' predominately solid front yard fence on the west side of the property.

Section 35-514

**Executive Summary**

Subject property is located east of Babcock Road, south of Sunshine Ranch Road, situated between Bayonne Drive and Donna Drive on Lisa Drive. On August 29 16, 2024, Code Enforcement was called to the subject property to investigate a front yard privacy fence exceeding the maximum height allowance. Records indicate that the fence was constructed without a permit, sometime between June 2022- August 2024. The applicant, being the property owner, is seeking a 4' fence height special exception to allow a 7' privacy fence to remain in the front yard, western side of the property. Permit is pending the outcome of the Board of Adjustment.

**Code Enforcement History**

INV-ZRD-24-3170002589 - Zoning - Residential District

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

Subject property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and zoned "A" Single-Family Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the zoning converted to "R-5" Residential Single-Family District.

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

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

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

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**South****Existing Zoning**

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**East****Existing Zoning**

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**West****Existing Zoning**

"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Near Northwest Community 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 area of the Sunshine Estates Neighborhood Association, and they have been notified of the request.

### **Street Classification**

Lisa Drive 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 7' 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.

*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 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 combined 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 in the front property line 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-24-10300196 based on the following findings of fact:

1. The special exception will alter the essential character of the district.
2. No similar front yard fence heights were seen in the immediate vicinity.