

Case Number:	BOA-22-10300148
Applicant:	Marc Nourani
Owner:	Bonney L. & Marc D. Nourani
Council District:	9
Location:	535 Mission Viejo
Legal Description:	Lot 57, Block 100, NCB 18400
Zoning:	“PUD R-6 MLOD-1 MLR-1 AHOD ERZD” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Rebecca Rodriguez, Senior Planner

Request

A request for a 2' special exception from the maximum 6' fence height, as described in Section 35-514 to allow a solid screened fence to be 8' tall along the side and rear property lines.

Executive Summary

The subject property is located on the north side of San Antonio near Blanco Road and has a single-family residence. The property previously had a 6' fence but due to deterioration, the property owner replaced it with a new 8' solid fence located along the rear and side property lines, behind the front façade of the residence. The maximum height permitted for a side fence is 6'. Staff observed significant elevation changes throughout the neighborhood including on the subject property. Additionally, the property has an inground swimming pool in the rear yard.

Code Enforcement History

There are no relevant Code Enforcement investigations for the subject property.

Permit History

There are no permits on file for the property. The issuance of the fence permit is pending the outcome of the Board of Adjustment hearing.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 64020, dated December 29, 1986, and zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 76361, dated August 27, 1992, to “(P-1) R-1” Planned Unit Development Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “(P-1) R-1” Planned Unit Development Single-Family Residence District converted to the current “PUD R-6” Planned Unit Development Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“PUD R-6 MLOD-1 MLR-1 AHOD ERZD” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“PUD R-6 MLOD-1 MLR-1 AHOD ERZD” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
South	“PUD R-6 MLOD-1 MLR-1 AHOD ERZD” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
East	“PUD R-6 MLOD-1 MLR-1 AHOD ERZD” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“PUD R-6 MLOD-1 MLR-1 AHOD ERZD” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the San Antonio International Airport Vicinity Land Use Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within 200 feet of the boundary of the Hidden Forest HOA, and they have been notified of the request.

Street Classification

Mission Viejo is classified as a local road.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

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 applicant is requesting the special exception to allow an 8’ fence along the side and rear property lines. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance due to the fence being located behind the front façade of the residence.

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

In this case, these criteria are represented by fence heights to protect residential property owners while still promoting a sense of community. Installing a new 8’ fence does not pose

any adverse effects to the public welfare as it provides privacy to not only the subject property but also to adjacent properties.

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

The fence will provide privacy to the subject property. The privacy is needed due to having a swimming pool and significant elevation changes on the property. Wood privacy fences were observed in the area therefore the request is unlikely to substantially injure any neighboring 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 height in fence along the side and rear will not alter the essential character of the district. The fence is located behind the front façade of the residence; thus, it does not appear out of character for the neighborhood

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

The current zoning permits the use of a single-family home. The requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Height listed under Section 35-514 of the UDC.

Staff Recommendation – Side and Rear Fence Special Exception

Staff recommends **Approval** in **BOA-22-10300148** based on the following findings of fact:

1. The subject property has an inground swimming pool; and
2. Various significant elevation changes were observed in the area including on the subject property; and
3. The variance does not appear to negatively affect adjacent properties.