

Case Number:	BOA-22-10300149
Applicant:	Julio Rodriguez
Owner:	Julio Rodriguez
Council District:	1
Location:	202 Greenlawn Drive
Legal Description:	Lot 13, Block 3, NCB 8418
Zoning:	“R-5 H AHOD” Residential Single-Family Greenlawn Historic Airport Hazard Overlay District
Case Manager:	Vincent Trevino, 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 line.

Executive Summary

The subject property is located on Greenlawn Street. The applicant has installed an 8' fence along the side and rear property line. There is currently a swimming pool in the backyard and the fence will provide privacy for the residents of the property. This property is designated historic in the Greenlawn Estates Historic District. Any exterior alterations will require approval from the Office of Historic Preservation. Approval of a site plan or renderings submitted as part of this variance request does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Office of Historic Preservation for this project, and this fence was installed without proper approvals. Staff did find other similar fences seen in the surrounding area.

Code Enforcement History

A Code Investigation for Building Without a Permit was opened on 06/14/2022.

Permit History

Fence permits are pending the outcome of the BOA Meeting.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 1845, dated May 5, 1940, and zoned “A” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “A” Single-Family Residence District converted to the current “R-5” Residential-Single Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 H AHOD” Residential Single Family Greenlawn Historic Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 H AHOD” Residential Single Family Greenlawn Historic Airport Hazard Overlay District	Single-Family Dwellings
South	“R-4 AHOD” Residential Single Family Airport Hazard Overlay District	Single-Family Dwelling
East	“R-5 H AHOD” Residential Single Family Greenlawn Historic Airport Hazard Overlay District	Single-Family Dwelling
West	“R-5 H AHOD” Residential Single Family Greenlawn Historic Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Near Northwest Community Plan and is designated “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the Los Angeles Heights Neighborhood Association, and they were notified of the case.

Street Classification

Greenlawn Drive is classified as a local road.

Criteria for Review – Side and Rear Yard Fence Height

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 fence being requested is an 8’ wood fence along the side and rear of the property lines. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance.

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’ privacy while still promoting a sense of community. An 8’ tall fence along the side and rear portion of the yard does not pose any adverse effects to the public welfare.

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

The fence will create enhanced privacy for the subject property on the side and rear yard and 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 fence height for the side and rear yard will not alter the essential character of the district. The request for additional fence height is due to privacy because of a swimming pool in the 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 current zoning permits the current use of residential. The requested special exception will not weaken the general purpose of the district and will only enhance property values.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Regulations per the UDC Section 35-514.

Staff Recommendation – Side and Rear Special Exception

Staff recommends **Approval** in **BOA-22-10300149** based on the following findings of fact:

1. The additional two feet in height will provide additional safety and security to the property due to the swimming pool in the rear yard; and
2. The subject property has a swimming pool