

Case Number:	BOA-23-10300109
Applicant:	David Ranjbar
Owner:	American Towing Inc
Council District:	4
Location:	8118 Latigo Drive
Legal Description:	Lot 27, Block 51, NCB 15481
Zoning:	“C-3R MLOD-2 MLR-1 AHOD” General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

A request for 1) a 3' special exception from the maximum 3' privacy fence height, as described in Sec. 35-514, to allow a 6' privacy fence height along the front and east property line located in the front yard, 2) a 3' special exception from the maximum 5' predominantly open fence, as described in Sec. 35-514, to allow an 8' fence along the west property line located in the front yard, and 3) a 2' special exception from the maximum 6' fence height, as described in Sec. 35-514, to allow an 8' predominantly open fence along the south and west property lines located in the side and rear yards.

### **Executive Summary**

The subject property is located near the intersection Latigo Drive and Harness Lane, just east of I-410 Loop. The applicant is requesting a special exception to construct a 6' privacy fence height along the front and east property line located in the front yard; and to construct an 8' fence along the west property line located in the front yard; and to construct an 8' predominantly open fence along the south and west property lines located in the side and rear yards. The fence of this proposed heights will provide security and privacy for the property. Applicant has indicated use will be Auto Sales (full service).

### **Code Enforcement History**

There is no Code Enforcement History for the subject property.

### **Permit History**

Commercial Sitework Permit (COM-SIT-PMT22-40100533) December 2022

Commercial Project Application (COM-PRJ-APP22-39802566) August 2022

Commercial New Building Permit (COM-BLG-PMT22-40201154) December 2022

Commercial Fence Permit (COM-FEN-PMT23-40600092) May 2023

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 41422, dated December 25, 1972, and originally zoned Temporary “R-1” Single-Family Residence District. The property rezoned under Ordinance 43401, dated February 14, 1974, from Temporary “R-1” Single-Family Residence District to the current “R-4” Mobile Home District. The property rezoned under Ordinance 49948, dated October 18, 1978, from “R-4” Manufactured Home Residence District to the current “B-3R” Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3R” Restrictive Business District converted to the current “C-3R” General Commercial Restrictive Alcoholic Sales District.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-3R MLOD-2 MLR-1 AHOD” General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Commercial

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Strip Mall
South	“C-3R MLOD-2 MLR-1 AHOD” General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Mobile Home Dealer
East	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	UZROW, “C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and “C-3R MLOD-2 MLR-1 AHOD” General Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	SW Loop 410. Strip Mall

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West/Southwest Sector Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the boundary of the Lackland Terrace Neighborhood Association, and they have been notified of the request.

**Street Classification**

Latigo Drive 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 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 6' privacy fence along the front and east property lines located in the front yard and an 8' predominately open fence along the west property line located in the front yard and an 8' predominately open fence along the south and west property lines located in the side and rear yards. 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 property owners while still promoting a sense of community. The proposed fence being requested will be located along the front and east property lines located in the front yard, and the west property line in the front yard, and the south and west property lines located in the side and rear yards and is exceeding the maximum height requirement by 3' and 2'. The privacy and predominantly open fence still serve the public welfare and convenience.

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

The fence will create enhanced security and privacy for the subject and adjacent properties. Furthermore, residential structures are abutting the subject property to the east and a mobile home dealer is abutting the subject property to the south, which the fence can act as a barrier.

*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 and east property line located in the front yard and the west property line located in the front yard and the south and west property lines located in the side and rear yards of the subject property does not appear to alter the location for which the special exception is sought, as the abutting base zoning districts to the east are residentially zoned and commercially zoned to the south.

*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 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 Regulations of the UDC Section 35-514.

### **Staff Recommendation – Fence Height Special Exception**

Staff recommends **Approval of** in **BOA-23-10300109** based on the following findings of fact:

1. The fence will create enhanced security and privacy for the subject and adjacent properties; and
2. The request will not weaken the general purpose of the district.