

Case Number:	BOA-23-10300257
Applicant:	Juana Solis
Owner:	Juana Solis
Council District:	1
Location:	627 Viendo Street
Legal Description:	Lot 17, Block 221, NCB 3948
Zoning:	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

**Request**

A request for a 3'-3” special exception from the maximum 3' fence height, as described in Sec 35-514, to allow an 6'-3” privacy fence in the front yard.

**Executive Summary**

The subject property is located north of downtown, west of IH-10 West between the intersections of West Avenue and Buckeye Street. The applicant is requesting an exception for a 6’-3” fence already built in the front yard. A Building Without a Permit (INV-PBP-23-3100002886) was issued in September 2023 by Code Compliance. A couple of fences that appear to exceed the maximum height were observed in the immediate area, no approved variances were found and Code Compliance was informed to investigate.

**Code Enforcement History**

INV-PBP-23-3100002886 (Building Without a Permit) September 2023

**Permit History**

The issuance of a fence permit has not been applied for yet and will be pending the outcome of the Board of Adjustment.

**Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single Family Dwelling

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single Family Dwelling
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single Family Dwelling

East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single Family Dwelling
West	“R-4 AHOD” Residential Single-Family 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 as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Los Angeles Neighborhood Association, and they have been notified of the request.

**Street Classification**

Viendo Street 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’-3” privacy fence in the front yard. If granted, staff finds the request would not be in harmony with the spirit and purpose of the ordinance as no similar fences exist in the area.

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

In this case, the fence height criteria protect residential property owners while still promoting a sense of community. The privacy fence will not contribute to the public welfare and convenience as the privacy height will be exceeded by 3’-3”.

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

Fences exceeding the maximum height in the front yard were observed in the vicinity of the subject site with no approved special exceptions, therefore the additional height could likely substantially injure other properties in the neighborhood. A residential fence permit (RES-FEN-PMT21-31900517) was issued for a 3’ wooden fence in the front of a neighboring property. The fence observed in the vicinity is not in compliance.

*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 front yard will alter the essential character of the district, as other houses in the area are within the maximum front yard fence height standards.

*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 may weaken the general purpose of the district, as it does not permit privacy fences in the front yard over 3'. The requested special exception will 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 Standards of the UDC Section 35-514.

**Staff Recommendation – Fence Height Special Exception**

Staff recommends Denial in BOA-23-10300257 based on the following findings of fact:

1. There are no unique circumstances existing on the property; and
2. The 6'-3" fence would not provide uniformity within the community.