City of San Antonio

Agenda Memorandum

Agenda Date: March 18, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300020

APPLICANT: Rey Saldana

OWNER: Rey Saldana

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: 8802 Mission Road

LEGAL DESCRIPTION: Lot 1, Block 1, NCB 11175

ZONING: "R-6 H RIO-6 AHOD" Residential Single-Family Historic Mission River Improvement Overlay 6 Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for
1) A request for a 4' special exception from the maximum 3' fence height, to allow a 7' privacy fence in the front yard. (UDC Section 35-514)

Executive Summary
The subject property is located within the Historical Mission District, west of South Presa Street and east of Stinson-Mission Municipal Airport on Mission Road. The applicant, also being the property owner, is developing the property for residential use. The property is a Flag Lot, with the front of the new build facing directly into the rear yard of the neighboring residential property. As there is not a current fence established on the neighboring lot, the applicant is requesting a 4' exception from the maximum 3' fence height to allow a 7' cedar fence in the front of the yard for the purpose of security and privacy.

Code Enforcement History
 No Code Enforcement history found.

Permit History
RES-RBP-PMT23-36605765-Residential New Building Permit

Zoning History
The subject property was annexed into the City of San Antonio by Ordinance 18115 dated, September 25, 1952, and zoned "B" Residence District. The property was rezoned by Ordinance 62153 dated, January 9, 1986, and zoned "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to "R-6" Residential Single-Family District.

Subject Property Zoning/Land Use
Existing Zoning
"R-6 H RIO-6 AHOD" Residential Single-Family Historic Mission River Improvement Overlay 6 Airport Hazard Overlay District
Existing Use
Vacant Land

Surrounding Property Zoning/ Land Use
North
Existing Zoning
"R-6 H RIO-6 AHOD" Residential Single-Family Historic Mission River Improvement Overlay 6 Airport Hazard Overlay District
Existing Use
Vacant Land

South
Existing Zoning
"NP-10 H RIO-6 MPOD-3 AHOD" Neighborhood Preservation Historic Mission River Improvement Overlay 6 San Juan Mission Protection Overlay Airport Hazard Overlay District
Existing Use
San Antonio River Authority

East
Existing Zoning
"R-6 H RIO-6 AHOD" Residential Single-Family Historic Mission River Improvement Overlay 6 Airport Hazard Overlay District
Existing Use
Single-Family Residence

West
Existing Zoning

"C-3NA S H RIO-6 General Commercial Nonalcoholic Sales Historic Mission River Improvement Overlay 6 Airport Hazard Overlay District with a Specific Use Authorization for a Human Services Campus
Existing Use
School
Disabled low-income housing apartments.

Comprehensive Plan Consistency/Neighborhood Association
The subject property is in the Stinson Airport Vicinity Plan and is designated as "Parks Open Space" in the future land use component of the plan. The subject property is located within the notification area of Harlandale-McCollum Neighborhood Association, and they have been notified of the request.

Street Classification
Mission Road 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 4' fence height special exception, if granted, would be in harmony with the spirit and purpose of the ordinance, as the proposed fence will meet setback and clear vision requirements while providing privacy for both the subject and adjacent properties.

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 appears to serve the public welfare and convenience, as the fence provides privacy to the property owner.

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

The special exception will not injure the neighboring properties as the fence height will not impede traffic or clear vision requirements, will be installed a safe distance from the right-of- way and will enhance privacy for the subject and adjacent 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 in the front property line will not alter the location for which the special exception is sought, as the proposed fence will be installed well beyond a safe distance from the street and will not alter the essential character of the district.

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 as the placement of the fence will be parallel to the location of the neighboring lot's rear yard.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the fence height requirements of the UDC Section 35-514.

Staff Recommendation – Fence Height Special Exception

Staff recommends **Approval** in **BOA-24-10300020** based on the following findings of fact:

1. **The proposed fence height will not injure neighboring properties as the fence location will be a safe distant from right-of-way, and will not impede clear vision requirements; and**
2. **Will enhance privacy for both, subject and adjacent properties, in the surrounding area.**