



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 18, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300028

**APPLICANT:** David Cortes

**OWNER:** David Cortes and Maria Cortes

**COUNCIL DISTRICT IMPACTED:** District 10

**LOCATION:** 218 Mabelle Drive

**LEGAL DESCRIPTION:** Lot 17, Block 4, NCB 14950

**ZONING:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**CASE MANAGER:** Alfonso Camacho, Senior Planner

**A request for**

1) A 4' special exception from the maximum 5' height to allow a 9' predominantly open fence and an 8' predominantly open fence within the front yard setback. (UDC Section 35-514)

**Executive Summary**

The subject property is located along Mabelle Drive, towards the northeast side of San Antonio. The property owner had the fence built without a permit and was cited by Code Enforcement. The fence appears to have been constructed around February 2022, according to street side images. There is currently an 8' predominantly open fence and a 9' predominantly closed fence located on the front yard. Upon staff site visits no other similar fences were observed in the area.

**Code Enforcement History**

INV-PBP-23-3100004691 - PMT-Building Without a Permit 12/21/2023

**Permit History**

RES-RBP-APP21-35506720 Residential Building Permit Application 12/18/2021.

RES-RMB-PMT22-36706720 Residential Accessory and Additions Permit 02/04/2022.

**Zoning History**

The property was annexed by the City of San Antonio by Ordinance 39443, dated May 26, 1971 and zoned Temporary “R-1” Single Family Residence District. The property was rezoned by Ordinance 66918, April 07, 1988 to “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 the current “R-6” Residential Single-Family District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single Family Dwelling

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single Family Dwelling

**South**

**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single Family Dwelling

**East**

**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single Family Dwelling

**West**

**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the NE I-35 and Loop 410 Area Regional Center Plan and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

### **Street Classification**

Mabelle 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. If granted the special exemption will not be in harmony with the spirit and purpose of the chapter as it exceeds the maximum height limitations for predominantly open fences.

*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 fence at its current height is too tall for the area. The surrounding area has no similar fences.

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

The fence at its current height may injure neighboring properties as the fence does obstruct the line of sight from the 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.*

Upon inspection of the district and location, the fence at its current design may alter the essential characteristics of the district. No similar styled fences were observed in the area.

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

If granted, the special exception may alter the general purpose of the district or the regulations herein established for the specific district. The fence was constructed without permits, and far exceeds the height regulations.

### **Alternative to Applicant’s Request**

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

**Staff Recommendation – Fence Height Special Exemptions**

Staff recommends Denial in BOA-24-10300028 based on the following findings of fact:

1. No other similar style fences were observed in area; and
2. The current height of the fence far exceeds the maximum height.