



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 4, 2024

**In Control:** Board of Adjustment Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300016

**APPLICANT:** A-1 Engineering LLC

**OWNER:** Moises and Judith Cruz

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 2907 Deer Ledge Drive

**LEGAL DESCRIPTION:** Lot 9, Block 1, NCB 14103

**ZONING:** "R-5" Residential Single-Family District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 3'-6" special exception from the maximum 3' fence height to allow a 6'-6" privacy fence east of the front property line. (Section 35-514)

**Executive Summary**

The subject property is located on Deer Ledge Drive. The property owners installed the fence for future use as a trellis to create further separation and privacy from neighboring property. Code Enforcement initiated an investigation on November 28, 2023, for building without a permit due the privacy fence, east of the property line, exceeding the height maximum allowance of 3' for a front yard fence. The property was reinspected by Code Enforcement on January 30, 2024, with no further actions having been made by property owners. The applicant, A-1 Engineering LLC, is requesting on behalf of the property owners a 3'-6" special exception from the maximum 3' fence height to allow a 6'-6" privacy fence to remain east of the front property line.

**Code Enforcement History**

PMT-Building Without a Permit / Fence Height (INV-PBP-23-3100004281)

**Permit History**

The issuance of a building permit is pending the outcome of the Board of Adjustment.

**Zoning History**

The property was annexed by the City of San Antonio by Ordinance 18115, dated September 24, 1952, 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**

“R-5” Residential Single-Family District.

**Existing Use**

Single-Family Residence

**Surrounding Zoning/Land Use**

**North**

**Existing Zoning District(s)**

“R-5” Residential Single-Family District.

**Existing Use**

Single-Family Residences

**South**

**Existing Zoning District(s)**

“R-5” Residential Single-Family District.

**Existing Use**

Single-Family Residences

**East**

**Existing Zoning District(s)**

“R-5” Residential Single-Family District.

**Existing Use**

Single-Family Residences

**West**

**Existing Zoning District(s)**

“R-5” Residential Single-Family District.

**Existing Use**

Single-Family Residences

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is currently located in the North Sector Plan and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is located within 200’ of the Carrington Place Neighborhood Association and were notified of the case.

**Street Classification**

Deer Ledge 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 6’-6” for privacy fence east of the front property line. If granted, staff finds the request would not be in harmony with the spirit and purpose of the ordinance, as the request exceeds the maximum height requirements for a fence in the front yard.

*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 does not appear to serve the public welfare and convenience, as there were no fences exceptions approved like the proposed design in the immediate surrounding area.

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

The special exception will substantially injure the neighboring properties as it will create a disproportionate fence height and composition along the front yards.

*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 appears to alter the location for which the special exception is sought, as no similar styled fences were observed to be in the immediate surrounding area.

*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 weaken the general purpose of the district as it goes against the established Unified Development Code fence standards.

**Staff Recommendation – Fence Height Special Exemption**

Staff recommends Denial in BOA-24-10300016 based on the following findings of fact:

- 1). The request will alter the essential character of the district as no other properties in the immediate area have fences exceeding the regulations of the Unified Development Code in height and privacy; and,
- 2). The request will injure the appropriate use of the surrounding properties.