

Case Number:	BOA-22-10300102
Applicant:	Celeste Ponce
Owner:	Javier & Celeste Ponce
Council District:	2
Location:	407 Parland Place
Legal Description:	LOT 12 & E 25 FT of 13, NCB 6136
Zoning:	"R-4 NCD-6 MLOD-3 MLR-2" Residential Single-Family Mahnke Park Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 2' special exception from the 6' maximum fence height requirement, as described in Section 35-514, to allow an 8' fence along the side and rear property lines.

Executive Summary

The subject property is located at 407 Parland Place. There is currently a single-family dwelling on the property. Upon the site visit conducted by staff, it was observed that there was a noticeable change in elevation, it couldn't be verified whether it met the 4' change in elevation requirement to permit an 8' fence by right. There is a swimming pool in the rear yard of the property, and the applicant is requesting the additional fence height for additional privacy and security to the property.

Code Enforcement History

A permit investigation was opened on July 7, 2022 for Building Without a Permit. The investigation is due to a fence installed without a permit.

Permit History

There are no relevant permits pulled for the subject property. A fence permit will need to be obtained and is pending the outcome of the BOA Hearing.

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 NCD-6 MLOD-3 MLR-2" Residential Single-Family Mahnke Park Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 NCD-6 MLOD-3 MLR-2" Residential Single-Family Mahnke Park Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	"MF-33 NCD-6 MLOD-3 MLR-2" Multi-Family Mahnke Park Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Mahncke Park
East	"R-4 NCD-6 MLOD-3 MLR-2" Residential Single-Family Mahnke Park Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	"R-4 NCD-6 MLOD-3 MLR-2" Residential Single-Family Mahnke Park Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Regional Center Area Plan is currently designated Urban Low Density Residential in the future land use component of the plan. The subject property is located within the Mahncke Park Neighborhood Association, and they were notified of the case.

Street Classification

Parland Place 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 special exception 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 being requested in an 8' wood fence along the side and rear of the property lines. 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 residential property owners privacy while still promoting a sense of community. An 8' tall fence along the side and rear portion of the yard does not pose any adverse effects to the public welfare.

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

The fence will create enhanced privacy for the subject property on the side and rear yard and is unlikely to substantially injure any 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.

The additional fence height for the side and rear yard will not alter the essential character of the district. The request for additional fence height is due to privacy because of a swimming pool in the rear yard.

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 current use of residential. The requested special exception will not weaken the general purpose of the district and will only enhance property values.

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 – Side and Rear Fence Special Exception

Staff recommends **Approval** in **BOA-22-10300102** based on the following findings of fact:

1. The additional two feet in height will provide additional safety and security to the property due to the swimming pool in the rear yard; and
2. There is a noticeable change in grade from the side of property; and
3. The request does not appear to alter the essential character of the district.