

Case Number:	BOA-22-10300132
Applicant:	Gerado Urteaga
Owner:	Urteaga Martina & Urteaga Gerardo
Council District:	1
Location:	1136 West French Place
Legal Description:	Lot 14 & east 10 feet of 13, Block 2, NCB 3031
Zoning:	“R-6 NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

### **Request**

A request for a 1’ variance from the Beacon Hill Neighborhood Conservation District maximum 4’ predominantly open fence design standards to allow a predominantly open fence with a gate to be 5’ in the front yard.

### **Executive Summary**

The subject property currently contains a single-family home. The applicant has installed a 5’ predominantly open fence. Beacon Hill Neighborhood Conservation District has a 4’ maximum predominantly open fence design standard. The front yard fence contains a gate in front of the driveway, which can be considered separately as part of this request. Upon staff site visit staff did observe other similar fences in the area. Additionally, there was no clear vision issue observed.

### **Code Enforcement History**

Zoning UDC Investigation 06/02/2022

### **Permit History**

A variety of building permits have been issued.

### **Zoning History**

The subject property was located within the Original City Limits of San Antonio and was zoned “B” Residence District. Ordinance 86704, dated September 25, 1997, rezoned the property to “R-3” Family District. Upon adoption of the 2001 Unified Development Code, the zoning converted to “MF-33” Multi-Family District, established by Ordinance 93881, dated May 3, 2001. Ordinance 2022-08-04-0551, dated August 4, 2022 rezoned the property to "R-6" Residential Single-Family District.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-6 NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single Family Dwelling

## **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District “R-6 CD NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with Conditional Use for Two Dwelling Units	Single-Family Dwellings
South	“MF-33 NCD-5 AHOD” Multi-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District “R-6 NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Apartments Single Family Dwellings
East	“R-6 NCD-5 AHOD” Residential Single-Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Dwellings
West	“R-6 CD NCD-5 AHOD” Residential Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District with Conditional Use for Two Dwelling Units	Single Family Dwellings

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

The subject property is in the Midtown Neighborhood Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Beacon Hill Neighborhood Association and were notified of the case.

## **Street Classification**

West French Place is classified as a local road.

## **Criteria for Review - Variances**

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. The variance is not contrary to the public interest.

The Beacon Hill NCD front yard fence standards was adopted to maintain the character of the area. The variance to the NCD standards is for the front yard fence and is contrary to the public interest.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

The Beacon Hill NCD design standards are an additional layer of review and regulations to maintain the character of the neighborhood. Literal enforcement of the ordinance would not result in unnecessary hardship.

3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.

Variances to the NCD design standards do not observe the spirit of the ordinance as it strays away from design requirements.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

The height of the front yard fence should be in compliance with the Beacon Hill NCD. The essential character of the district is maintained with the NCD design standards.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

The front yard fence should abide by the Beacon Hill NCD design standards. There are no unique circumstances existing on the property that would permit the absence of enforcement of the NCD standards.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the fence requirements established by the Beacon Hill Neighborhood Conservation District.

#### **Staff Recommendation – Fence Special Exemption**

Staff recommends Denial in **BOA-22-10300132** based on the following findings of fact:

1. The constructed fence goes against the Beacon Hill Neighborhood Conservation District Design Standards.