

Case Number:	BOA-22-10300189
Applicant:	Alejandra Moralda
Owner:	Alejandra Moralda
Council District:	5
Location:	714 South Navidad
Legal Description:	North 43 feet of Lots 7A and 7B, Block 1, NCB 2423
Zoning:	“R-4 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 5' variance from the 5' minimum front setback, as described in Sec 35-310.01 to allow an addition to be 5' from the front property line, 2) a request for a 20' variance from the 25' minimum clear vision requirement, as described in Sec 35-514 (a)(2), to allow a solid screen fence to be 5' from the curb, 3) a request for a 5'-3" and 8'-9" variance from the 15' minimum clear vision requirement, as described in Sec 35-514 (a)(2), to allow a solid screen fence to be 9'-9" and 6'-3" from driveways, 4) a request for a 3' special exception from the 3' maximum solid screen fence height requirement, as described in Sec 35-514, to allow a 6' solid screen fence in the front yard, and 5) a request for a 1' special exception from the 5' maximum predominantly open fence height requirement, as described in Sec 35-514, to allow a 6' predominantly open fence in the front yard.

Executive Summary

The subject property is located on a corner lot of South Navidad. There is an existing single-family dwelling on the property, and the applicant is wanting to add an addition to the front of the home. The proposed addition of the home will be 5' from the front property line. Upon the site visit conducted by staff, a solid screened fence was observed to be placed in the sides of the front yard at a height of 6' where a maximum of 3' is permitted by right and a 6' predominantly open fence in the street side of the front yard where a maximum of 5' is permitted by right. Additionally, the solid screened fence was installed along the front yard and was observed to be encroaching 20' into the Clear Vision Field of the curb and 2 driveways at 5'-3" and 8'-9".

Code Enforcement History

There are no relevant Code Enforcement investigations or violations pending.

Permit History

There are no relevant permits on file for the property. The permit for the structure is pending the outcome of the Board of Adjustment Hearing.

Zoning History

The subject property was located within the original city limits of San Antonio and was zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “B” to the current “R-4” Residential Single-Family District, established by Ordinance 93881 dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“R-4 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
South	“R-4 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
West	“R-4 MLOD-2 MLR-2 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Guadalupe/Westside Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Historic Westside Neighborhood Association and were notified of the case.

Street Classification

South Navidad 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.*

These variance requests for the Minimum Front Setback and Clear Vision do not appear contrary to the public interest due to the limited space existing on the property.

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

The configuration and depth of the lot does not provide enough adequate space to meet the 10’ Minimum Front Setback and Minimum Clear Vision Requirement.

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

The recommended variances do appear to observe the spirit of the ordinance. The shape of the lot is unusual, and the limited space of the lot present an unnecessary hardship.

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.*

If granted, the addition will maintain 5' from the front property line, 2'-9" Clear Vision from the neighboring driveway and 5' Clear Vision from the corner. These distances are not likely to alter the essential character of the district.

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 property has unique circumstances such as the unusual size of the lot and is not merely financial.

Criteria for Review – Fence Height

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

- 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 additional fence height was observed upon the site visit and, 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 while still promoting a sense of community. The fence is located along the front property line and is exceeding the maximum height requirement by 1', also exceeding the maximum privacy requirement by 3'.

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

The fence will create enhanced security and privacy for the subject property 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 height for the section of front yard fence 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 current zoning permits the current use of a single-family home. The requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Structure Front Setback Regulations of Section 35-310.01, Clear Vision Requirements of UDC Section 35-514(a)(2), and the Fence Height Regulations of Section 35-514.

Staff Recommendation – Front Setback and Clear Vision Variance

Staff recommends **Approval** in **BOA-22-10300189** based on the following findings of fact:

1. The limited space in the lot which presents a hardship in the construction of the addition;
and
2. The fence will not alter the character of the district

Staff Recommendation – Front Yard Fence Special Exception

Staff recommends **Approval** in **BOA-22-10300189** based on the following findings of fact:

1. The front yard fence does not appear to alter the essential character of the district; and
2. The additional height will provide additional security to the subject property.