

Case Number:	BOA-23-10300021
Applicant:	Camillo Fajardo
Owner:	Aquino Blanca Luz
Council District:	4
Location:	334 Altitude Drive
Legal Description:	Lot 18, Block 8, NCB 15508
Zoning:	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 2’ special exception to the 6’ height limitation, as described in Section 35-514, to allow an 8’ privacy fence in the side and rear yards.

Executive Summary

The subject property is located along Altitude Drive east of Interstate 410. The applicant will be replacing the existing 6’ privacy fence in the sides and rear yards. The applicant is requesting a special exception for fence height limitation in the side and rear yards, as the fence will be over 6’. Staff did not observe a pool in the backyard or any abnormal physical features such as a slope on the property. There is a Manufactured Home Park on the opposite block face and apartments separated by one lot to the south.

Code Enforcement History

There are no relevant code compliance cases for the subject property.
Overgrown Yard-September 2021

Permit History

Residential New Building Permit-July 2022
Residential Accessory Dwelling Permit-August 2022

Zoning History

The property was annexed into the City of San Antonio by Ordinance 41422, dated December 25, 1972, and zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
South	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
East	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is under the “West Sector Plan” and is designated as “General Urban Tier”. The subject property is within Lackland Terrace Neighborhood Association and were notified of the case.

Street Classification

Altitude Drive is classified as a local street.

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 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. Various fences in the area observe the UDC requirements and the requested 8’ wood privacy fence is not in harmony with the spirit and purpose of the ordinance.

B. The public welfare and convenience will be substantially served.

In this case, the fence height criteria protect residential property owners while still promoting a sense of community. The privacy fence will not contribute to the public welfare and convenience as the privacy height will be exceeded by 2’.

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

Privacy fences above the 6’ maximum permitted were not observed in the vicinity of the subject site; therefore, the additional height could likely substantially injure other properties in the neighborhood.

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 in fence along the side property line will alter the essential character of the district, as other houses in the area have 6' side privacy fences.

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 use of a single-family home. The requested special exception may weaken the general purpose of the district, as it does not permit side and rear privacy fences over 6'.

Alternative to Applicant's Request

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

Staff Recommendation – Fence Special Exception

Staff recommends Denial in BOA-23-10300021 based on the following findings of fact:

1. The 8' wood privacy fence is out of character for the neighborhood as most neighboring properties have 6' fences; and
2. The property does not include any abnormal physical features such as a change in elevation or slope.