

Case Number:	BOA-21-10300181
Applicant:	Minerva Goddard
Owner:	Minerva Goddard
Council District:	4
Location:	7447 Draco Leap
Legal Description:	Lot 12, Block 4, NCB 15248
Zoning:	“R-5 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Rebecca Rodriguez, Planner

### **Request**

A request for a 2’ special exception from the maximum 6’ fence height requirement, as described in Section 35-514, to allow an 8’ solid screened privacy fence along the side property line.

### **Executive Summary**

The subject property is located along Draco Leap. The applicant began to construct a wood privacy fence along the side property line without obtaining a fence permit. Upon the site visit conducted by staff, the fence measured 8’ in height. The maximum height permitted for a side fence is 6’. Staff did not observe any abnormal physical features such as a slope on the property.

### **Code Enforcement History**

An investigation was opened on March 24, 2021, for Building Without a Permit and a Stop Work Order was posted. The case is pending resolution.

### **Permit History**

A residential fence permit for a 6’ privacy fence was obtained on April 14, 2021. An updated fence permit is pending the outcome of the Board of Adjustment hearing.

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 83135, dated December 31, 1995, and zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 85498, dated January 23, 1997, to “R-A” Residence-Agriculture District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-A” Residence-Agriculture District converted to “NP-10” Neighborhood Preservation District. The property was rezoned by Ordinance 99878, dated October 24, 2004, from “NP-10” Neighborhood Preservation to “R-5” Residential Single-Family District.

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

Existing Zoning	Existing Use
“R-5 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**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-5 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-5 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-5 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-5 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

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

The subject property is in the United Southwest Communities Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Solana Ridge Homeowner’s Association and they have been notified of the request.

### **Street Classification**

Draco Leap 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. Upon the site visit, an 8’ wood privacy fence was observed on the side property line; If granted, staff does not find the request to 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. Staff did not observe any significant elevation changes or slopes located on the property or surrounding properties.

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

Neighboring properties do not appear to be substantially injured by the requested special exception, however staff did not observe other 8' wooden privacy fences in the surrounding area.

*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 fencing along the side property line appears to 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 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 Fence Height Regulations listed under Section 35-314 of the UDC.

### **Staff Recommendation – Side Yard Fence Special Exception**

Staff recommends Denial in BOA-21-10300181 based on the following findings of fact:

1. The 8' wood privacy fence was constructed on the side property line with an issued 6' fence permit; and
2. The property does not include any abnormal physical features such as a change in elevation or slope.