

Case Number:	BOA-22-10300013
Applicant:	Bruce Moore
Owner:	Bruce Moore
Council District:	10
Location:	246 Irvington Drive
Legal Description:	Lot 29, Block 15, NCB 9055
Zoning:	“R-4 AHOD” Residential Single Family Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

**Request**

A request for a 2’ special exception from the maximum 6’ fence height requirement, as described in Section 35-516, to allow an 8’ solid screened fence along the side and rear property lines.

**Executive Summary**

The subject property is located on the corner of Irvington Drive and Chevy Chase Drive. The applicant is proposing to install an 8-foot fence along the side and rear property lines. Upon the site visit conducted by staff, it was observed that the property sits slightly higher than Chevy Chase Drive, which allows a greater field of view into the rear yard of the subject property.

**Code Enforcement History**

There is no code enforcement history on file.

**Permit History**

Re-Roof Permit and Minor Building Repair Application Permits are on file.

**Zoning History**

The subject property was annexed into the City Limits of San Antonio by Ordinance 2942, dated December 28, 1945, and was zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “B” Residence District 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
“R-4 AHOD” Residential Single Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single Family Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 AHOD” Residential Single Family Airport Hazard Overlay District	Single-Family Dwelling

East	“R-4 AHOD” Residential Single Family Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 AHOD” Residential Single Family Airport Hazard Overlay District	Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Near Northwest Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Terrell Heights Neighborhood Association and were notified of the case.

**Street Classification**

Irvington is classified as a local road.

**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 applicant is proposing to install an 8’ tall fence 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 will still serve the public welfare and convenience.**

*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 side and rear 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 fence height per 35-514.

**Staff Recommendation – Side and Rear Yard Fence Special Exception**

Staff recommends **Approval** in **BOA-22-10300013** based on the following findings of fact:

1. The side and rear fence will be 8' and does not appear to alter the essential character of the district; and
2. The side fence will promote a sense to the security to the property, especially along a busy local road such as Chevy Chase Drive.