

Case Number:	BOA-21-10300104
Applicant:	Santos Rodriguez
Owner:	Santos Rodriguez
Council District:	5
Location:	339 Harriman Place
Legal Description:	Lot 19 & 20, Block 3, NCB 3486
Zoning:	"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.
Case Manager:	Roland Arsate, Planner

Request

A request for a special exception from the maximum height requirements, as described in Section 35-514, to allow a 6' predominantly open wrought iron fence in the front yard.

Executive Summary

The subject property is located along Harriman Place, and there is an existing single-family residence constructed on the property. The property has direct access off of Harriman Place, however it does face Highway 90 and is in close proximity. The applicant is requesting a special exception to keep an existing 6' wrought iron fence to along the front yard of the property. The fence is currently installed, and the property was investigated by Code Enforcement for Building Without a Permit on June 9, 2021. The fence was installed for safety issues to better protect it from vehicular traffic from Highway 90.

Code Enforcement History

The property was investigated for Building Without A Permit on June 9, 2021.

Permit History

Permits for electrical and plumbing pulled in 2017

Zoning History

The subject property is located within the Original 1938 City Limits of San Antonio and was zoned "B" Residence District. Per Ordinance 76368 the subject property was rezoned from "B" Residence District to "R-7" Small Lot Home District. Upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the zoning converted from "R-7" to the current "R-4" Residential Single-Family District.

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 Airport Hazard Overlay District.	Residential Single -Family District
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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 Airport Hazard Overlay District.	Residential Single -Family District
South	Highway 90	ROW
East	"R-4 MLOD-2 MLR-2 AHOD " Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Residential Single -Family District
West	"R-4 MLOD-2 MLR-2 AHOD " Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.	Residential Single -Family District

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within in the Nogalitos/South Zarzamora Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Collins Garden Neighborhood Association and were notified of the case.

Street Classification

Harriman Place is classified as a local road.

Criteria for Review – Side and Rear 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 has already installed a 6’ wrought iron fence in the front yard and 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. A 6' tall predominately open fence along the front yard on the does not pose any adverse effects to the public welfare.

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

The fence will create enhanced security and safety 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 front yard fencing will not alter the essential character of the district. Many other wrought iron fences were observed in the immediate and surrounding area.

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 and cut the front fence down by 1' per the Fence Height Regulations of Section 35-514.

Staff Recommendation – Front Yard Fence Special Exception

Staff recommends **Approval** in **BOA-21-10300104** based on the following findings of fact:

- 1. The wrought iron fence will be 6' tall; and**
- 2. The subject property is facing and in close proximity to Highway 90; and**
- 3. The fence will provide additional security and safety for the subject property; and**
- 4. There are other wrought iron front yard fences in the surrounding area.**