

Case Number:	BOA-21-10300157
Applicant:	Felise DeNovo
Owner:	Felise DeNovo
Council District:	1
Location:	519 West Kings Highway
Legal Description:	Lot 30 & 31, Block 12, NCB 6434
Zoning:	"R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for a 2' special exception from the maximum fence height requirements, as described in Section 35-514, to allow an 8 ft solid screened privacy fence along the side and rear property lines.

Executive Summary

The subject property is located along West Kings Highway near North Flores Street. The subject property currently has a single-family residence constructed on the property. The applicant is proposing to add an 8' solid screened fence on the side and rear property lines.

Code Enforcement History

There are no relevant Code Enforcement violations or open investigations for the subject property.

Permit History

November 2016 – Minor repairs to house

June 2017 – Electrical permit pulled

January 2018 – Minor Repairs

March 2018 – Solar Panel Permit

Zoning History

The subject property is located within the Original 1938 City Limits of San Antonio and was zoned “D” Apartment District. The property was rezoned to “R-1” Single-Family Residence District by Ordinance 86704, dated October 2, 1997. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” Single-Family Residence District to the current “R-6” Residential Single-Family District, established by Ordinance 93881 dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation 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 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District and "RM-4 NCD-2 AHOD" Residential MixedVista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
South	"RM-4 NCD-2 AHOD" Residential MixedVista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
East	"R-6 NCD-2 AHOD" Residential Single-Family Alta Vista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence
West	"RM-4 NCD-2 AHOD" Residential MixedVista Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Regional Center Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Alta Vista Neighborhood Association and they were notified of the case.

Street Classification

West Kings Highway 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 proposed fence height is requested to be placed along the side and rear property lines. If granted, staff finds the request would not be in harmony with the spirit and purpose of the ordinance as there are no unique features existing on the property.

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. An 8’ tall fence along the side and rear yard does not appear to serve the public welfare and convenience.

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

The fence height special exception is being requested to enhance the security and privacy for the subject property. With no unique features existing on the property and no other 8’ fences observed in the surrounding neighborhood, the neighboring property may potentially be adversely affected.

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 request for additional fence height along the side and rear yard fencing appears to alter the essential character of the district as no other similar fences were observed in the immediate 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 to the Fence Height Regulations of Section 35-514.

Staff Recommendation – Side and Rear Yard Fence Special Exception

Staff recommends Denial in BOA-21-10300157 based on the following findings of fact:

1. There do not appear to be unique features existing on the property; and
2. The proposed fence appears to be out of character with the surrounding neighborhood.