

NOTE: Notice is hereby given that there may be a quorum of The City of Balcones Heights City Council Members. There will be no formal action taken by city council members.

NOTICE OF MEETING OF THE
City of Balcones Heights
PLANNING AND ZONING COMMISSION

AGENDA

Notice is hereby given that a meeting of the Planning and Zoning Commission of the City of Balcones Heights, Bexar County, Texas will be held **Tuesday, January 18, 2022 at 6:00 p.m.**, at the Justice Center, located at 3300 Hillcrest Drive, Balcones Heights, Texas, at which time the following subjects will be discussed, to-wit:

I. CALL TO ORDER AND RECORDING OF QUORUM:

II. BUSINESS ITEMS:

1. Approval of Minutes – June 15, 2021
2. **PUBLIC HEARING** – Amending the Balcones Heights Code of Ordinances Sec. 153.7.1.3 regulating the maximum height of a residential front yard fence.
3. Commission will consider and take **ACTION** regarding recommendation to city council to amend Sec. 153.7.1.3 regulating the maximum height of a residential front yard fence.

III. CITIZENS TO BE HEARD:

At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body *so long as that topic is not on the agenda for this meeting*. Citizens may speak on specific agenda items when that item is called for discussion. During the *Citizens to be Heard* section no action may take place and no discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.

IV. ADJOURNMENT:

City of Balcones Heights

DELIA R. SANCHEZ
City Secretary

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at the City of Balcones Heights, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on

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the following date and time: January 14, 2022 at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

The Balcones Heights Planning and Zoning Commission reserves the right to adjourn into **executive session** at any time to discuss any of the matters listed above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.073 (Deliberations about Gifts and Donations) § 551.074 (Personnel Matters) § 551.076 (Deliberations about Security Devices), and § 551.086 (Economic Development)

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Balcones Heights Planning and Zoning commission meeting is available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at (210) 957-3542 or write to 3300 Hillcrest Drive, Balcones Heights, Texas 78201.



City of Balcones Heights

TO: Chairman Monsive and Commissioners
Planning and Zoning Commission

FROM: Janet Thelen
Director of Community Development

REF: Amending the Balcones Heights Code of Ordinances Sec. 153.7.1.3 regulating the maximum height of a residential front yard fence.

DATE: 10 January 2022

On August 23, 2021, the Board of Adjustment approved a variance allowing the construction of a 5-foot-tall front fence at 251 Crestview Drive. Several neighbors of the petitioner were present at the meeting in support of the variance request. Mayor de Leon was also in attendance and has asked that the Planning and Zoning Commission convene to review and possibly amend the Balcones Heights Code of Ordinances Sec. 153.7.1.3 regulating the maximum height of a residential front yard fence.

In compliance with state law, a Notice of Public Hearing was published for a single publication in the San Antonio Express News on December 29, 2021. The public was invited to attend the public hearings on Tuesday, January 18, 2022, at the commission meeting and on Monday, January 24, 2022, at the January city council meeting. The city council will at that time consider the recommendation of the Planning and Zoning Commission regarding amending the maximum height of front residential fences.

The code provides the following:

Sec. 153.7.1.3. FENCES AND WALLS.

(1) (a) No fence or wall shall hereafter be erected within the city unless the person erecting the fence shall first obtain from the city a permit for the construction of the fence. The cost of the permit shall be as established by the City Council. Permits are required for new construction, repairs taking place in a six month time frame to more than 50% of an entire length of the fence, or movement of one or more fence lines. Repairs to fences not meeting the aforementioned guidelines need no permit. The permit application shall specify:

- (i) The approved height, length, material or materials, style and location of the fence or wall; and*
- (ii) Include a recorded plat or survey signed and sealed by a professional registered land surveyor.*

(b) Disputes regarding property ownership or fence line placement that cannot be resolved by review of the plat or survey are considered civil matters between property owners, and the city has no authority in resolving such issues. When feasible, the city will maintain a

contract with a local surveyor in an attempt to secure affordable surveying services for the residents. As required, residents will be responsible for retaining and paying for any required professional fees.

(2) Dimensions and design standards. (Also see [Illustration 7.1](#)) Except as required or permitted by the city, no fence or wall hereafter erected with the city shall exceed six feet in height. Maintenance of fences and walls shall be the responsibility of the property owner. Failure to maintain shall constitute a public nuisance.

(3) Front yard fences. In R-1, R-2, R-3 and R-5 zoning districts, no fence or wall may be constructed closer to the front property line than the front line of the main building on the lot, unless the fence is:

(a) Open fence constructed of ornamental iron, with wood, stone, brick, or a combination thereof used for supports for the fence. ("Ornamental iron" shall include pillars or supports of other approved materials necessary to support the ornamental iron. Vertical or horizontal pickets must be a minimum distance apart so that a sphere of four inches cannot pass through. Pillars and supports shall be a minimum of eight feet apart and a maximum of 18 inches in diameter or square, and must be of plaster, stone, or brick.);

(i) The following shall not be used for fencing:

a. Cast-off, secondhand, or other items not original intended to be used for constructing or maintaining a fence;

b. Plywood, particle board, paper, visqueen plastic, plastic tarp, or similar material;

c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury;

d. Sheet, roll or corrugated metal; or

e. Chain-link or metal mesh.

(ii) Constructed up to a maximum height of four feet above the natural surface of the ground;

a. A footing for the fence may be up to one feet solid.

b. Higher than one feet above the natural surface of the ground shall be constructed of ornamental iron only except for necessary pillars or supports of other approved materials necessary to support the ornamental iron above the natural surface of the ground with an overall height limit of four feet.

(b) Front yard fences that meet these criteria may be built at the property line, or within ten inches from the inside of the property line. The entire footing of the fence including underground structure must be completely within the property line. The upper, exposed section of the fence must align with any adjacent front yard fencing.

Thank you for serving the community of Balcones Heights. Please let Delia Sanchez know if you are able to attend to ensure a quorum is present for the hearing.

HEARST

MEDIA SOLUTIONS

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SAN ANTONIO EXPRESS - NEWS AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:
COUNTY OF BEXAR

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared: Geena Garza, who after being duly sworn, says that she is the Bookkeeper of HEARST NEWSPAPERS, LLC - dba: SAN ANTONIO EXPRESS - NEWS, a newspaper published in Bexar County, Texas and that the publication, of which the annexed is a true copy, was published to wit:

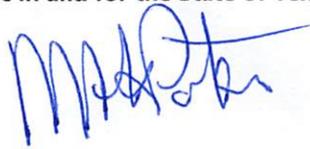
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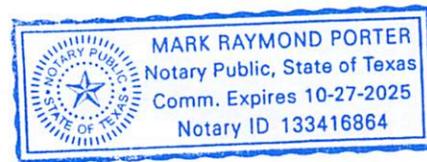


Geena Garza
Bookkeeper

Sworn and subscribed to before me, this 29th day of Dec. A.D. 2021

Notary public in and for the State of Texas





PUBLIC HEARING

The City of Balcones Heights Planning and Zoning Commission will hold a Public Hearing on Tuesday, January 18, 2022 at 6:00 p.m. at 3300 Hillcrest Dr., Balcones Heights, TX 78201.

The following will be considered:

Amending the Balcones Heights Code of Ordinances Sec. 153.7.1.3 regulating the maximum height of a residential front yard fence.

The City Council on Monday, January 24, 2022 will conduct a Public Hearing at 6:00 p.m. at 3300 Hillcrest Dr., Balcones Heights, TX and consider recommendations of the Planning and Zoning Commission.

If you have any questions, please contact Janet Thelen, Director of Community Development at (210) 957-3545.

George Monsive, Chairman
Planning and Zoning Commission

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34168331

City of Balcones Heights
PLANNING AND ZONING COMMISSION
3300 Hillcrest Drive, Balcones Heights, Tx 78201
Minutes

Date: June 15, 2021

Time: 6:05 p.m.

PZ MEMBERS PRESENT: George Monsive Richard C. Adam (Alternate)
Mark Saenz Shana Halpin

MEMBERS ABSENT: Helen Nicholson (Alternate) Coral Lising

SIGN IN SHEET: Agnes Lecea Juan Lecea Dean Nelson
Miguel C. Valverde Armando Martinez Andrea Martinez
Suzanne de Leon

I. CALL TO ORDER AND RECORDING OF QUORUM:

Meeting was called to order and quorum was present.

II. BUSINESS ITEMS:

1. Approval of Minutes – September 15, 2020.

MOTION: Motion to accept the minutes of September 15, 2020.

Motion by: Richard Adam Second: Mark Saenz 4/0/0 PASSED

2. **PUBLIC HEARING** – Amending Balcones Heights Code of Ordinances Title XV:
Land Usage, Sec. 153.5.2.4 Storage and Parking of Trailers and Vehicles.

Public Hearing opened at 6:09 p.m.

Lili Cruz came up to speak. (Resident)

Public Hearing closed at 6:12 p.m.

3. Commission will consider and take **ACTION** regarding recommendation to city council to amend Sec. 153.5.2.4 Storage and Parking of Trailers and Vehicles in the city's Code of Ordinances.

Director of Community Development Janet Thelen gave a power-point presentation on the following:

- Intent

- Goals
- Why are we revisiting this code?
- Existing definitions
- Add definition
- Primary change
- Staff recommendation
- Questions and discussion

MOTION: I'd like to make a motion that we recommend to city council that we amend Section 153.5.2.4 Storage and Parking of Trailers and Vehicles in the city's code of ordinances as written.

Motion by: Richard C. Adam Second: Shana Halpin 4/0/0 PASSED

III. CITIZENS TO BE HEARD:

There were no citizens signed up to be heard.

IV. ADJOURNMENT:

Motion to adjourn was made by Richard Adam and seconded by Shana Halpin and all were in favor. Meeting adjourned at 6:42 p.m.

Submitted by:

DELIA R. SANCHEZ
City Secretary