



City of San Antonio

Legislation Details (With Text)

File #: 21-5155
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment

On agenda: 8/16/2021

Title: BOA-21-10300072: A request by Catherine Garza for a 2' special exception from the maximum height of 6' to allow a side and rear yard fence to be 8' tall, located at 13202 Creek Dawn. Staff recommends Approval. (Council District 8) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number:	BOA-21-10300072
Applicant:	Catherine Garza
Owner:	Catherine Garza
Council District:	8
Location:	13202 Creek Dawn
Legal Description:	Lot 17, Block 5, NCB 16983
Zoning:	"R-6 MLOD-1 MLR-2 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for a 2' special exception from the maximum height of 6', as described in Section 35-514(c), to allow a side and rear yard privacy fence to be 8' tall.

Executive Summary

The subject property is located at the end of the cul-de-sac of Creek Dawn. The applicant is requesting a special exception to allow an 8' tall wooden privacy fence along the side and rear property lines in order to provide additional security and privacy to the property.

Code Enforcement History

A Code Investigation occurred on May 18, 2021 for Building a Fence Without a Permit.

Permit History

The applicant pulled a fence permit on May 27, 2021 for a 6’ fence.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 74750, dated December 31, 1991 and zoned Temporary “R-1” Single-Family Residence. The zoning converted from Temporary “R-1” to the current “R-6” Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 MLOD-1 MLR-2 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District	Single-family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 MLOD-1 MLR-2 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District	Single-family Residence
South	"R-6 MLOD-1 MLR-2 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District	Single-family Residence

East	"R-6 MLOD-1 MLR-2 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District	Single-family Residence
West	"R-6 MLOD-1 MLR-2 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District	Single-family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the San Antonio International Airport Vicinity Land Use Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Hunter's Creek North Neighborhood Association, and they were notified of this application.

Street Classification

Creek Dawn is classified as a Local Street.

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 area has some topography differences which was observed upon the site visit 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. An 8’ wooden privacy along the side and rear property lines 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 privacy for the subject property. There are also elevation differences between the subject property and abutting properties, so the additional height 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 side and rear yard fences will not alter the essential character of the district. DSD Traffic Staff did review the fence and it does not violate any Clear Vision Standards.

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

Staff recommends **Approval** in **BOA-21-10300072** based on the following findings of fact:

1. The front yard fence is a solid, wooden fence along the side and rear property lines; and
2. There is a unique topography differences between the subject property and abutting properties; and
3. The side yard fence does not violate any Clear Vision Standards.