



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-2547  
**Type:** Staff Briefing - Without Ordinance  
**In control:** Board of Adjustment

**On agenda:** 4/5/2021

**Title:** 21-10300010: A request by David McKay for a special exception to allow a back yard fence and side yard fence to be 8’ tall, located at 4906 Babson Street. Staff recommends Approval. (Council District 8) (Joyce Palmer, Planner, 210-207-0315, Joyce.Palmer@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-21-10300010
Applicant:	David McKay
Owner:	David Putnam
Council District:	8
Location:	4906 Babson Street
Legal Description:	Lot 13, Block 11, NCB 16147
Zoning:	“R-6 MLOD-1 ERZD” Single Family Residential Camp Bullis Military Lighting Overlay Edwards Recharge Zone District
Case Manager:	Joyce Palmer, Planner

### Request

A request for a special exception to allow a back yard fence and side yard fence to be 8’ tall, as described in Section 35-514.

### Executive Summary

The subject property is located on the northwest side of San Antonio within a single-family subdivision. The applicant is requesting a special exception to allow a fence along the back and side property lines to be 8’ tall. The bottom 6 feet of the fence will be solid wood, and the top two feet of fence will be lattice.

### Code Enforcement History

There are no open code enforcement violations.

**Permit History**

There are no current permits.

**Zoning History**

The subject property was annexed into the City of San Antonio on September 24, 1964 by Ordinance 32614 and was zoned “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

**Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-6 MLOD-1 ERZD” Single Family Residential Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 MLOD-1 ERZD” Single Family Residential Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence
South	“R-6 MLOD-1 ERZD” Single Family Residential Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence
East	“R-6 MLOD-1 ERZD” Single Family Residential Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence
West	“R-6 MLOD-1 ERZD” Single Family Residential Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the North Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. The subject property is not located within a Neighborhood Association.

**Street Classification**

Babson is classified as a Local Road.

**Criteria for Review**

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 additional fence height is intended to provide privacy of the applicant's property. If granted, this 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' fence along the back and side property lines will provide additional privacy and security for the applicant's property, and will not contrary to the public interest.**

*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 injure adjacent 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 back yard fence will not alter the essential character of the district and will provide security 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 regulations of the UDC Sections 35-514.

### **Staff Recommendation**

Staff recommends **Approval** in **BOA-21-10300010** based on the following findings of fact:

1. The 8' fence will be constructed on the back and side property lines; and
2. The additional height will promote the health, safety, and welfare of the community.