



City of San Antonio

Legislation Details (With Text)

File #: 18-1934

Type: Zoning Case

In control: Board of Adjustment

On agenda: 2/19/2018

Title: A-18-037: A request by David Starr for a special exception to allow an eight foot tall solid screen fence in the rear of the property, located at 227 Rittiman Road. Staff recommends Approval. (Council District 2)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-18-037 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-18-037

Applicant: David Starr

Owner: David Starr

Council District: 2

Location: 227 Rittiman Road

Legal: Lot 46, NCB 8693

Description:

Zoning: "MF-33" Multi-Family District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a special exception, as described in Section 35-514, to allow an eight foot tall solid screen fence in the rear and side of the property.

Executive Summary

The subject property is located at 227 Rittiman Road, approximately 1529 feet east of Austin Highway. The applicant wishes to build an eight foot tall, solid wood fence within the rear and side yard of the property for additional enclosed space. The applicant states that they have a need for increased security which warrants the additional fence height. As a result of the multi-family uses to the North and West the applicant is permitted an eight foot tall fence, by-right. They will require a special exception for the fence along the east property line.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-33" Multi-Family District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2” Commercial District	Apartments
South	“OCL” Outside City Limits	Single-Family Dwelling
East	“R-4” Residential Single-Family District	Single-Family Dwelling
West	“C-2” Commercial District	Apartments

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Northeast Inner Loop Community Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Terrell Heights Neighborhood Association. As such, they were notified and asked to comment.

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 up to eight feet. The spirit of the chapter is represented by reasonable fence height restrictions to provide for adequate security and privacy, but to also encourage a sense of community. The additional fence height is intended to provide safety, security, and privacy for the applicant. If granted, this request would be harmony with the spirit and purpose of the ordinance.

B. The public welfare and convenience will be substantially served.

The eight foot solid wood fence will be built to provide additional security and safety for the owner and their personal property. The addition of an eight foot tall fence provides an added sense for security for the owner and, therefore, serves a public convenience. Further, no portion of the fence violates the Clear Vision field and, as such, will not harm the public welfare.

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

The fence will create enhanced security for the subject property and is highly 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 applicant borders several “C-2” and “MF-33” properties; the fencing does not detract from the character of the neighborhood.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The subject property is located within the “MF-33” Multi-Family District, which permits a wide variety

of housing options. It is difficult to establish how the fence weakens the purpose of the multi-family zoning district.

Alternative to Applicant's Request

The alternative to the applicant's plan would be to comply with the fence height limitation of six feet for a solid screen material, as described in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL of the special exception in A-18-037** based on the following findings of fact:

1. The applicant states the fence is necessary for security purposes, and;
2. The fence does not visually hinder the adjacent property's driveway or other motorists view.