



City of San Antonio

Legislation Details (With Text)

File #: 19-4220
Type: Zoning Case
In control: Board of Adjustment
On agenda: 5/20/2019
Title: BOA-18-10300054: A request by Manuela Torres for a special exception to allow an existing 8' fence along the side and rear property lines, within the rear yard, located at 5822 Castle Run Drive. Staff recommends Approval. (Council District 2) (Mercedes Rivas, Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)
Sponsors:
Indexes:
Code sections:
Attachments: 1. BOA 19-10300054 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-18-10300054
Applicant: Manuela Torres
Owner: Manuela Torres
Council District: 2
Location: 5822 Castle Run Drive
Legal: Lot 20, Block 014, NCB 15804
Description:
Zoning: "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family
Martindale Military Lighting Overlay Military Lighting
Region 2 Airport Hazard Overlay District
Case Manager: Mercedes Rivas, Planner

Request

A request for a special exception to allow an existing 8' fence along the side and rear property lines within the rear yard as described in Section 35-514.

Executive Summary

The subject property is located at 5822 Castle Run Drive. The applicant is seeking permission to keep an existing 8' wooden fence in the rear yard in order to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. The son and daughter-in-law of the home owner live on the adjacent lot east of the subject property and are in approval of the existing 8' wooden fence. The subject property is surrounded by residential properties.

Code Enforcement History:

No Code Enforcement history exists on the property.

Permit History:

There is no permit history related to the 8' fence on the property. The property owner is seeking a variance to allow for a permit to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
South	"R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
East	"R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
West	"R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The property is not within a Neighborhood, Community, Perimeter or Sector Plan, however, it is located within the proposed Far East Community Plan, which is in Phase 4 of the SA Tomorrow process. The subject property is located within the East Village Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Castle Run Drive is classified as a Local Street.

Criteria for Review

According to Section 35-482(h) of the UDC, in order for special exception to be granted, 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 8'. The additional fence height is intended to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. If granted, this request would be in harmony with the spirit and purpose of the ordinance. No portions of the fences will be in violation of the Clear Vision field.

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

In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. The fence height is built in the rear yard to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. This is not contrary to the public interest.

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

No portion of the fence will be in violation of the Clear Vision field. No adjacent property owner, nor the traveling public, will be harmed by the proposed fence.

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 8' fence along the side and rear property lines within the rear yard would not significantly alter the overall appearance of the district and would provide added security and protection for the property owner.

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

The purpose of the fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow an 8' fence in order to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant would need to adhere to the permitted fence heights as described in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of variance in **BOA-19-10300054**, based on the following findings of fact:

1. The fence will provide additional privacy and security to the subject property.