



City of San Antonio

Legislation Details (With Text)

File #: 19-4392
Type: Zoning Case
In control: Board of Adjustment
On agenda: 6/3/2019
Title: BOA-18-10300057: A request by Derek Brozowski for a special exception to allow an existing 8' fence along the rear property line, within the rear yard, located at 4906 Still Creek. Staff recommends Approval. (Council District 6) (Mercedes Rivas, Planner, (210) 207-0215, Mercedes.Rivas2@sanantonio.gov, Development Services Department)
Sponsors:
Indexes:
Code sections:
Attachments: 1. BOA 19-10300057 Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Case Number: BOA-18-10300057
Applicant: Derek Brozowski
Owner: Derek Brozowski
Council District: 6
Location: 4906 Still Creek
Legal: Lot 14, Block 13, NCB 18633
Description:
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Mercedes Rivas, Planner

Request

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

Executive Summary

The subject property is located at 4906 Still Creek. The applicant is seeking permission to build an 8' wooden fence along the rear property line in order to provide more privacy and security to their back yard. 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 special exception to allow for a permit to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Home

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the West/Southwest Sector Plan and is currently designated "General Urban Tier" in the land use component of the plan. The subject property is not located within any registered Neighborhood Association.

Street Classification

Still Creek 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 more secure and private backyard for the residents. 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 will be built along the rear property line to provide a more secure and private backyard for the residents. 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 rear property line 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 more secure and private backyard for the residents. 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-19-10300057**, based on the following findings of fact:

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