



City of San Antonio

Legislation Details (With Text)

File #: 19-7801
Type: Zoning Case
In control: Board of Adjustment
On agenda: 10/21/2019
Title: BOA-19-10300104: A request by Aric Gibson for a special exception in fence height limitation to allow a privacy fence to be up to 8' tall along both sides and rear yard of the property, located at 6739 Millrock Pass. Staff recommends Approval. (Council District 10) (Rachel Smith, Planner (210) 207-5407, rachel.smith@sanantonio.gov, Development Services Department)
Sponsors:
Indexes:
Code sections:
Attachments: 1. BOA19-10300104 Attachments, 2. Agenda Memorandum, 3. Agenda Memorandum

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300104
Applicant: Aric Gibson
Owner: Aric Gibson
Council District: 10
Location: 6739 Millrock Pass
Legal: LOT 94 BLK 1 NCB 16587
Description:
Zoning: "R-6 Randolph MNA AHOD" Residential Single Family
Randolph Military Notification Area Airport Hazard Overlay
District
Case Manager: Rachel Smith, Planner

Request

A special exception to allow a proposed privacy fence to be up to 8' tall, instead of 6' as described in section 35-514, on both sides and the rear yards of the property.

Executive Summary

The subject property is located at 6739 Millrock Pass and is not within an established neighborhood association. The property is surrounded in all directions by single-family dwellings. The property has an existing fence that surrounds the side and rear yards that is between four and six feet. The rear yard topography is not entirely flat; it is variable in height, which contributes to the nature of this request. The applicant is seeking this special exception to fence height to enable a more private enjoyment of their rear yard.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 79034, dated December 31, 1993, as “Temporary R-1” Residential District. The property was rezoned by Ordinance 82930, dated September 28, 1995, from “Temporary R-1” Residential Single Family District to “R-1” Residential District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Business District converted to “R-6” Residential District.

Code Enforcement History

There is no code enforcement history on this property.

Permit History

There is no permit history related to the proposed fence on the property. The property owner is seeking a special exception to allow 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 Dwelling

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the Rain Tree Subdivision Master Development Plan; North Sector plan and is currently designated as suburban tier. This property is not within the boundaries of a neighborhood association.

Street Classification

Millrock Pass is classified as a local street.

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 8'. The additional fence height is intended to provide a more secure and private yard for the resident. 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 maximum fence heights to protect residential property owners while still promoting a sense of community. The fence will be this high along the side and rear property lines. This is not contrary to the public interest.

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

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 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 to provide a more secure and private rear yard for the resident. Therefore, the requested special exception will not weaken the general purpose of the district.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300104**, based on the following findings of fact:

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