City of San Antonio

Legislation Details (With Text)

File #:	19-7806
Type:	Zoning Case
In control:	Board of Adjustment
On agenda:	10/21/2019
Title:	BOA-19-10300120: A request by Veronica Johnson for a special exception to allow a fence to be eight (8) feet tall along the northeast property line, located at 3502 Litchfield Drive. Staff recommends Approval. (Council District 9) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)
Sponsors:	
Indexes:	
Code sections:	
Attachments:	1. BOA-19-10300120 Attachments

Date	Ver.	Action By	Action	Result

Case Number: BOA-19-10300120
Applicant: Veronica Johnson
Owner: Veronica Johnson
Council District: 9
Location: 3502 Litchfield
Legal Description: LOT 2 BLK 16 NCB 13551
Zoning: "R-5" Residential Single-Family
Case Manager: Rachel Smith, Planner

Request

A request for a special exception to allow a fence to be eight (8) feet tall along the northeast property line.

Executive Summary

The subject property is located at 3502 Litchfield Drive and is not within an established neighborhood association. The applicant's property is a corner lot, with a sidewalk on the front and side yard. The City of San Antonio replaced the sidewalk along Stonehaven Drive and in the process, increasing the elevation of the sidewalk to be about 16 inches above the original grade and the subject property grade. The applicant states they replaced their six-foot fence in July 2019 when a vehicle crashed into the existing fence. The applicant states the variance in height is needed due to the high pedestrian and vehicular traffic along that street.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 32266, dated April 23, 1964, as

"Temporary A" Residential District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "A" Multiple Family Residential District converted to the current "R-5" Residential District.

Code Enforcement History
There is no code enforcement history on this property.

Permit History
There is no permit history related to the fence on the property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5" Residential Single-Family	Single Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5" Residential Single Family	Single Family Dwelling
South	"R-5" Residential Single Family	Single Family Dwelling
East	"R-5" Residential Single Family	Single Family Dwelling
West	"NP-10" Neighborhood Preservation District	Single Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the Far North SATomorrow subarea plan and West Sector plan and is designated as Suburban Tier within that plan. This property is in the boundaries of the Vance Jackson Neighborhood Association.

Street Classification

Litchfield Drive is classified as a local street.

Criteria for Review

According to Section 35-374.01 of the UDC, in order for a special exception to be granted, the applicant must demonstrate all of the following

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 height will be built along a portion of the side property line to provide a more secure and private yard for the resident. 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 a portion of the side 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 along a portion of the side property line in order 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-19-10300120**, 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.

powered by Legistar™