



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-3370

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 6/1/2020

**Title:** BOA-20-10300003: A request by Brian Kolodziej for a 2' special exception from the maximum height restriction of 6' to allow a fence to be up to 8' tall in the side and rear yard of property, and a 6" special exception from the maximum height restriction of 6' to allow a fence to be up to 6'6" tall behind the front facade facing the street, located at 3115 Sable Creek. Staff recommends Approval. (Council District 9) (Azadeh Sagheb, Planner (210) 207-5407, Azadeh.Sagheb@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-20-10300003

**Applicant:** Brian Kolodziej

**Owner:** Brian Kolodziej

**Council District:** 9

**Location:** 3115 Sable Creek

**Legal:** Lot 4, Block 8, NCB 18217

**Description:**

**Zoning:** "R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential  
Single-Family Planned Unit Development Master  
Development Plan Camp Bullis Military Lighting Overlay  
Military Lighting Region 2 Edwards Recharge Zone District

**Case Manager:** Azadeh Sagheb, Planner

### Request

A request for 1) a 2' special exception, as described in Section 35-514, to allow a fence to be up to 8' tall in the side and rear yard of property, and 2) a 6" special exception, also described in Section 35-514, to allow a fence to be up to 6'6" tall behind the front façade facing the street.

### Executive Summary

The subject property is located at 3115 Sable Creek, approximately 735 feet from the intersection of Evans Road and Roan Forest. The applicant added an 8' tall privacy fence along the side and rear property lines as well as a 6'6" tall solid fence in the side of property behind the front façade. A fencing permit was issued on January 6, 2020 for a 6' wood fence along the side and rear property lines behind the front façade of the primary residence.

The applicant stated that he will not be adding any additional fencing in the front yard portion of the property, only keeping the existing fence as is. During site visits, Staff noted that neighboring properties have similar constructed fences of wrought-iron and wooden privacy fences along their property lines.

### **Zoning History**

The subject property was annexed by Ordinance 61608 on December 30, 1985 where it was zoned Temporary "R-1" Single Family Residential. The subject property was rezoned from Temporary "R-1" ERZD Single Family Residential Edwards Recharge Zone District to "P-1 (R-1)" ERZD Planned Unit Development Single Family Residential Edwards Recharge Zone District by Ordinance 85935 on April 24, 1997. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to "R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District.

### **Code Enforcement History**

Code violation notices were given to homeowner on November 18, 2019 for fence height as well as fence being built without a permit.

### **Permit History**

The owner was issued a fencing permit on January 6, 2020 for a 6' wood fence along the side and rear property lines behind front façade of primary residence.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District	Single-Family Dwelling

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District	Single-Family Dwelling

South	"R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District	Single-Family Dwelling
East	"R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District	Single-Family Dwelling
West	"R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District	Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the boundaries of the North Sector Plan and currently designated as Suburban Tier Residential in the future land use component of the plan. The subject property is located within the boundaries of the Evans Ranch Homeowner's Association. As such, they were notified and asked to comment.

### **Street Classification**

Sable Creek Street 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 eight feet. The additional fence height is intended to provide safety and security of the applicant's property. 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. An 8' tall closed fence along a portion of the side and rear property lines and a 6'6" tall solid fence behind the front façade were built to provide additional security for the applicant's property. This is not contrary to the public interest.**

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

**The fence will create enhanced security and privacy for the subject property and is highly unlikely to injure adjacent properties. The material and style of the fence is similar to other fences and is not noticeable from the right-of-way. Further, the fencing does not violate Clear Vision standards.**

*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 fencing does not detract from the character of the neighborhood. The fencing is in line with other preexisting fencing material and height within the immediate vicinity.**

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

**The current zoning permits the current use. The requested special exception will not weaken the general purpose of the district.**

### **Alternative to Applicant's Request**

Denial of the variance request and special exception would result in the owner having to meet the required fence height regulations in Section 35-514.

### **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300003**, based on the following findings of fact:

1. The fence in the front yard does not extend passed the front façade of the primary residence and;
2. The fence does not obstruct the clear vision standards, and;
3. The material and look of the existing fence is not out of character with the surrounding neighborhood.