



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-4341

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 8/17/2020

**Title:** BOA-20-10300067: A request by Diana Cavazos for a 2' special exception to allow a fence to be 8' tall along the northern side property line and the rear property line, located at 11334 Morino Park. Staff recommends Approval. (Council District 8) (Kayla Leal, Senior Planner (210) 207-0197, [kayla.leal@sanantonio.gov](mailto:kayla.leal@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-20-10300067
Applicant:	Diana Cavazos
Owner:	Diana Cavazos
Council District:	8
Location:	11334 Morino Park
Legal Description:	Lot 7, Block 9, NCB 19096
Zoning:	"R-5 ERZD" Residential Single Family Edwards Recharge Zone District
Case Manager:	Kayla Leal, Senior Planner

### Request

A request for a 2' special exception to allow a fence to be 8' tall along the northern side property line and the rear property line, as described in Sec. 35-514.

### Executive Summary

The subject property is located on the corner of Morino Park and Spanish Wood. The applicant is requesting a 2' special exception to allow a section of the fence to be 8' tall. The property owner recently installed a swimming pool, and with the land sitting slightly higher than the street level, the taller fence will allow for more privacy. The swimming pool is located on the northern side of the property, near the street Spanish Wood. The applicant is requesting the special exception for the section of side fencing that faces Morino Park, the side fence that faces Spanish Wood, and a section of fence on the rear property line.

### **Code Enforcement History**

There is no relevant code enforcement history on file for the property.

### **Permit History**

There are no relevant permits pulled for the property.

### **Zoning History**

The subject property was annexed into the city limits of San Antonio by Ordinance 79039 on December 31, 1993 and was zoned Temporary “R-1” Temporary Single Family Residence District. The zoning changed to “R-5” Residential Single Family District on October 13, 1994 by Ordinance 80968 and subsequently converted to the current “R-5” with the adoption of the UDC on May 3, 2001 by ordinance 93881.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-5 ERZD” Residential Single Family Edwards Recharge Zone District	Single Family Residence

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-5 ERZD” Residential Single Family Edwards Recharge Zone District	Single Family Residence
South	“R-5 ERZD” Residential Single Family Edwards Recharge Zone District	Single Family Residence
East	“R-5 ERZD” Residential Single Family Edwards Recharge Zone District	Single Family Residence
West	“R-5 ERZD” Residential Single Family Edwards Recharge Zone District	Single Family Residence

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

The subject property is in the North Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. No registered neighborhood association for the subject area.

### **Street Classification**

Morino Park 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 privacy 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 wooden fence along the side property line facing Spanish Wood Street will provide additional privacy 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. 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 of a single-family home. The requested special exception will not weaken the general purpose of the district.**

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

The alternative to the applicant's request is to conform to Fences of the UDC Section 35-514.

### **Staff Recommendation**

Staff recommends **Approval** of the zoning variance in **BOA-20-10300067** based on the following findings of fact:

1. The additional two feet will provide the applicant security and privacy to the property; and
2. The fence will remain true to the character of the district by being a solid, wooden fence in the side and rear yard; and
3. The special exception is being sought to abide by UDC regulations and design standards.