



City of San Antonio

Legislation Details (With Text)

File #: 20-6384

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 11/2/2020

Title: BOA-20-10300099: A request by Louis Ullrich for a 2' special exception to allow a privacy fence to be up to 8' tall in the side and rear of property, located at 18219 Brookwood Forest. 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-20-10300099

Applicant: Louis Ullrich

Owner: Louis Ullrich

Council District: 9

Location: 18219 Brookwood Forest

Legal Description: Lot 10, Block 7, NCB 16334

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

Case Manager: Azadeh Sagheb, Planner

Request

A request for a 2' special exception, as described in Section 35-514, to allow a privacy fence to be up to 8' tall in the side and rear of property.

Executive Summary

The subject property is located at 18219 Brookwood Forest, north of North Loop 1604 West and west of Blanco Road. The applicant is requesting to maintain an 8' tall Japanese Cedar fence erected within the side and rear property lines. The applicant installed the solid screen fence without obtaining an appropriate permit.

The property is located within a gated residential community. It is abutting a commercial property on the rear

side; therefore, the owner is able to build up to 8' tall along the rear property line. The applicant states concerns of parking headlights and audible noise caused by the vehicles moving around the commercial neighbor.

North Loop 1604 West Access Road is occupied by several commercial properties located in the immediate vicinity that make the neighboring property owners utilize privacy fence to minimize visual and audible distraction stemming from the traffic flow running in the commercial properties parking space.

The adjacent neighbor located at 18215 Brookwood Forest received approval from the Board of Adjustment for a 2'1.5" variance for the same privacy fence on October 19, 2020.

Code Enforcement History

There is a pending Code Enforcement record for this property dated, August 17, 2020 related to installed fence.

Permit History

No permits have been processed for this property.

Clear Vision Review

A review of Clear Vision is not required for this request.

Zoning History

The area was annexed under Ordinance 85090, dated December 31, 1996 and was originally zoned as "R-1" Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted from "R-1" Single Family District to the current "R-6" Residential Single-Family District.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|--------------|
| "R-6 PUD MLOD-1 MLR-1 ERZD" Residential Single Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District | Residential |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|--------------|
| North | "R-6 PUD MLOD-1 MLR-1 ERZD" Residential Single Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District | Residential |

| | | |
|-------|--|-------------|
| South | “C-2 PUD MLOD-1 MLR-1 ERZD” Commercial Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District | Commercial |
| East | “R-6 PUD MLOD-1 MLR-1 ERZD” Residential Single Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District | Residential |
| West | “R-6 PUD MLOD-1 MLR-1 ERZD” Residential Single Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District | Residential |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is not within the boundaries of a registered neighborhood association.

Street Classification

Brookwood Forest 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 spirit of the chapter is intended to provide for reasonable protections to property owners and to establish a sense of community within the neighborhoods. The request for an 8’ tall solid screen fence in the side and rear yard of the property is in harmony with the spirit of the chapter.

B. The public welfare and convenience will be substantially served.

The public welfare and convenience can be served by the added protection of higher, allowing the property owner to protect the subject property, and reduce the noise and headlights distraction.

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 heights. The material and style of the fence is similar to other fences utilized within the immediate vicinity.

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 fence will create enhanced privacy and security for the subject property and is highly unlikely to injure adjacent properties.

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 allows 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

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

Staff Recommendation

Staff recommends **APPROVAL** of **BOA-20-10300099**, based on the following findings of fact:

1. The additional 2' will provide security and privacy to the property, and;
2. Being of similar height, design, and purpose as other fences within the gated community, the installed fence will not distract the uniform character of neighborhood.