



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-1653

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 2/15/2021

**Title:** BOA-21-10300004: A request by Mary Ann Paredez for a special exception to allow a back yard fence and side yard fence to be 8' tall, located at 5338 Vista Run. Staff recommends Approval. (Council District 10) (Joyce Palmer, Planner, 210-207-0315, Joyce.Palmer@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-21-10300004
Applicant:	Mary Ann Paredez
Owner:	Mary Ann Paredez
Council District:	10
Location:	5338 Vista Run
Legal Description:	Lot 180, Block 1, NCB 17790
Zoning:	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager:	Joyce Palmer, Planner

### Request

A request for a special exception to allow a back yard fence and side yard fence to be 8' tall, as described in Section 35-514.

### Executive Summary

The subject property is located on the northeast side of San Antonio within a single-family subdivision. The applicant is requesting a special exception to allow a fence along the back and side property lines to be 8' tall.

### Code Enforcement History

Current Code case for building without a permit. Case #20-3100001005

### Permit History

Residential fence permit approved February 2, 2021.

### **Zoning History**

The subject property was annexed into the City of San Antonio on December 31, 1995 by Ordinance 83133 and was zoned Temporary “R-1” One-Family Residence District. The zoning changed from Temporary “R-1” to “R-1” One-Family Residence District, established by Ordinance 86429, dated August 14, 1997. The “R-1” converted to the current “R-6” single family residential with the adoption of the UDC on May 3, 2001, established by ordinance 83881.

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

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

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

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

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

The subject property is located within the North Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. The subject property is located within the Vista Neighborhood Association, and as such they have been notified of the case.

### **Street Classification**

Vista Run is classified as a Local Road.

### **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. 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 fence heights to protect residential property owners while still promoting a sense of community. An 8' fence along the back and side property lines will provide additional privacy and 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 unlikely to injure adjacent properties.**

*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 additional height for the section of side and back yard fence will not alter the essential character of the district and will provide security of the district.**

*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 the fence regulations of the UDC Sections 35-514.

#### **Staff Recommendation**

Staff recommends **Approval** in **BOA-20-10300132** based on the following findings of fact:

1. The 8' fence will be constructed on the back and side property lines; and
2. The additional height will promote the health, safety, and welfare of the community.