



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-4166

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 6/7/2021

**Title:** BOA-21-10300036: A request by Gilberto Barrera for a special exception to the maximum height limitation of 5' for predominantly open fence, to allow a front yard solid screen fence to be 8' in height, located at 3018 Charter Crest Street. Staff recommends Denial. (Council District 9) (Mirko Maravi, Senior Planner, 210-207-0107, Mirko.Maravi@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-21-10300036
Applicant:	Gilberto Barrera
Owner:	Gilberto Barrera
Council District:	9
Location:	3018 Charter Crest Street
Legal Description:	Lot 60, Block 1, NCB 14203
Zoning:	"R-5" Residential Single-Family District
Case Manager:	Mirko Maravi, Senior Planner

### Request

A request for a special exception to the maximum height limitation of 5' for predominately open fence, as limited to in Section 35-514(c), to allow a front yard solid screen fence to be 8' in height.

### Executive Summary

The subject property is located inside a residential subdivision, near the intersection of Vance Jackson Road and Nantucket Drive. The applicant is seeking a special exception for an existing 8-foot privacy fence in the front yard.

### Code Enforcement History

A code enforcement case was started on November 12, 2020 in relation to this fence.

### **Permit History**

There is no relevant Permit history.

### **Zoning History**

The property was annexed by the City of San Antonio by Ordinance 18115, dated September 25, 1952 and zoned Temporary “A” Single-Family Residence District. The property was rezoned by Ordinance 25046, dated May 23, 1957 to “A” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “A” Single-Family Residence District converted to the current “R-5” Residential Single-Family District.

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

Existing Zoning	Existing Use
“R-5” Residential Single-Family District	Single-Family Residence

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

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6” Residential Single-Family District	Single-Family Residence
South	“R-5” Residential Single-Family District	Single-Family Residence
East	“R-5” Residential Single-Family District	Single-Family Residence
West	“R-5” Residential Single-Family 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. The subject property is located within the Vance Jackson Neighborhood Association which were notified of the case.

### **Street Classification**

Charter Crest Street is classified as a Local Road.

### **Criteria for Review - Special Exemption**

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 spirit and purpose of the chapter is to have a predominantly open fence in the front yard. If granted, this request would not be in harmony with the spirit and purpose of the ordinance. No other solid front yard fences exist in the neighborhood.

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

The front yard privacy fence will not impact the public welfare and convenience of the neighborhood.

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

The fence will create enhanced 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 front yard fence will alter the essential character of the district and location as no other property in the immediate area have front yard privacy fences.

*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 weaken the general purpose of the district by changing the existing character of the neighborhood.

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

The alternative to the applicant's request is to conform to Section 35-514(c).

### **Staff Recommendation -**

Staff recommends **Denial** in **BOA-21-10300036** based on the following findings of fact:

1. The proposed special exemption is not in harmony with the purpose of the fence height standards and
2. The fence height is not common in the neighborhood.