



City of San Antonio

Agenda Memorandum

File Number:16-5610

Agenda Item Number: 5.

Agenda Date: 11/7/2016

In Control: Board of Adjustment

Case Number: A-16-180
Applicant: Jesse Brown
Owner: Jesse Brown
Council District: 9
Location: 2283 Encino Loop
Legal: Lot 54, Block 11, NCB 17591
Description:
Zoning: "R-6 MLOD-1 ERZD" Residential Single-Family Camp
Bullis Military Lighting Overlay Edwards Recharge Zone
District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for 2 foot special exception from the maximum 6 foot maximum rear and side yard fence height, as described in Section 35-314(d), to allow an 8 foot fence in the rear yard.

Executive Summary

The owner is requesting a special exception to allow eight foot solid wood fencing along the rear and side property lines. The owner of the subject property has a detached accessory structure in the rear of the property, used as a music room and storage for musical instruments, and wishes to ensure privacy and safety of his property. The applicant states that the eight foot tall fencing replaced existing eight foot fencing that was in disrepair. Very small portions of the additional fence height can be seen from the public right-of-way.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 MLOD-1 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-6 MLOD-1 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence
South	"R-6 MLOD-1 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence
East	"R-6 MLOD-1 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence
West	"R-6 MLOD-1 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

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

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 allows eight (8) foot rear fences as a special exception, authorized under certain circumstances in accordance with specific factors as described in this report. The additional fence height is intended to provide safety, security, and privacy of the applicant. Reducing the fence height increases visibility from the street and could result in unnecessary hardship. If granted, this request would be 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 home owners, and also to provide for a sense of community. An eight foot fence was built on the property prior to the neighborhood being annexed within City limits. The eight foot fence will serve to provide increased privacy and security of the property. This is not contrary to the public interest.

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

The rear fence will create enhanced security for the subject property and is highly unlikely to injure adjacent properties. Further, the replaced fence had been in place for several years and did not negatively impact the adjacent property owners.

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.

There is a small percentage of fencing that can be seen from the public right of way and therefore, would not alter the character of the community. Further, according to the applicant, 8 foot fencing has been on the property prior to annexation in 1984. Thus, granting the exception will not be detrimental to the character 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 purpose of the fencing standards is to protect the health, safety and general welfare of the public, enhance property values, and improve the appearance of the community. The owner wishes to replace the fencing that was in disrepair. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant must build the fence not to exceed to six foot maximum, as described in Section 35-314 (d).

Staff Recommendation

Staff recommends **APPROVAL of a two foot variance from the six foot minim to allow a fence to be eight feet in height in A-16-180** based on the following findings of fact:

1. The fence was built prior to annexation, at which time it was not required to meet the six foot height requirement;
2. The existing fence has been replaced due to it being in disrepair and unsightly in the neighborhood.