



City of San Antonio

Agenda Memorandum

File Number:17-2255

Agenda Item Number: 6.

Agenda Date: 4/3/2017

In Control: Board of Adjustment

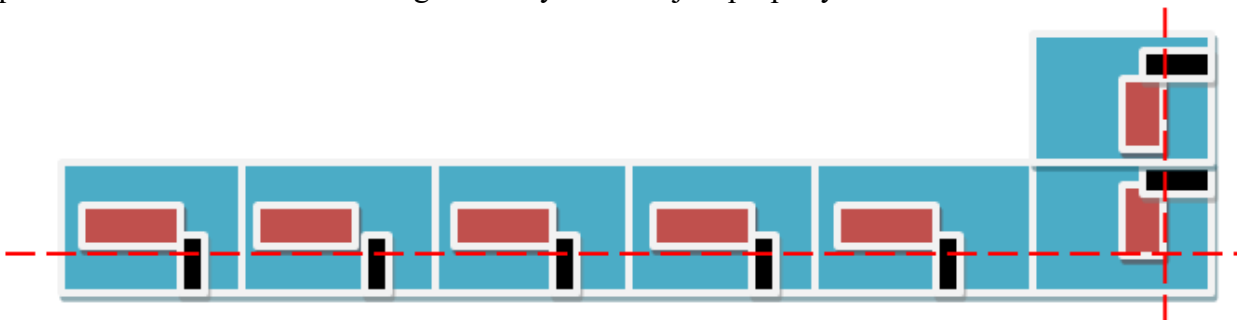
Case Number: A-17-080
Applicant: Bob Crider, Jr.
Owner: Bob Crider, Jr.
Council District: 9
Location: 40 Roan Heights
Legal: Lot 15, Block 16, NCB 118217
Description:
Zoning: "R-6 MLOD ERZD" Residential Single-Family Military
Lighting Overlay Edwards Recharge Zone District

Request

A request for 1) a special exception, as described in Section 35-514, to allow a 6 foot tall wood privacy fence in a portion of the front yard of a reverse corner lot and 2) a variance from the 15 foot setback to allow a fence adjacent to the driveway in the clear vision area, as described in Section 35-514(a)(2).

Executive Summary

The applicant is requesting the variance and special exception allow a six foot fence in a portion of the front yard of a reverse corner lot. The fence is erected within the Clear Vision area of the subject property's driveway. As the subject property is located on a corner lot, the owner built the fence in order to increase the area of the backyard. The Pinon Creek HOA approved the request in July of 2016. The request is the result of a Code Enforcement violation. During site visits, City staff observed a portion of the fence located within the public right-of-way. If the special exception and variance are approved, the owner will need to remove the portion of the fence within the right-of-way. The subject property is a reverse corner lot:



Reverse corner lots are subject to two different front setback requirements. Though the fence is built behind the vertical plane of the façade of the dwelling it is still considered front yard fencing. The Unified Development Code permits solid screen fencing in the front yard up to three feet in height. The applicant needs a special exception to grant the six foot fence. The applicant stated that they expanded the fence into this reverse corner lot front yard for additional privacy and uninterrupted space to enjoy the outdoors.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 MLOD ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Edwards Recharge Zone District	Single-Family Dwelling

Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

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

Fence Special Exception

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 residential fencing up to eight feet in height to be permitted by a special exception. The applicant’s request is for a six foot tall wood privacy fence which meets the approval criteria for a special exception. Due to the location and configuration of the lot, the owner is subject to a much smaller backyard. The granting of the special exception would give the owner the needed additional space needed for the household.

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

Allowing the property owner to encroach into the reverse corner lot is unlikely to harm the public

welfare and convenience. The fence does not hinder the view for the adjacent property's driveway and does not obscure the line of vision for motorists at the intersection of Roan Heights and Impala Drive.

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

In that the fencing does not block clear vision for the adjacent property, it is unlikely that the neighboring property will be harmed by this special exception request.

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.

Six foot tall wooden rear yard fences are common in the neighborhood. The material, nor the height of the fence, is unlikely to detract from the essential 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 single-family residential zoning districts is to encourage patterns of residential development that provide housing choices and a sense of community. The enlargement of the rear yard is intended to provide additional privacy, space, and easier maintenance of the yard. Therefore, the requested special exception will not weaken the general purpose of the district.

Fence Variance (Clear Vision)

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the Board of Adjustment must find that the request meets each of the six following conditions:

1. The variance is not contrary to the public interest.

The Clear Vision requirements are intended to allow motorist the ability to see other approaching cars. In this case, when exiting the subject property's driveway, visibility is limited to the driver creating unsafe conditions for oncoming traffic. This is contrary to the public interest.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

The literal enforcement would not result in a significant loss of rear yard space. The owner could construct the fence to meet the Clear Vision requirements and still provide adequate room in the backyard.

3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.

Substantial justice will not be done as the owner faces a safety risk when pulling out of driveway. The fence has been constructed too close to the street and limits visibility as vehicles round the bend of Impala Circle and increases the risk of accidents. Additionally, a portion of the fence has been constructed in the public right-of-way and will need to be removed.

4. The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the "R-6 MLOD ERZD" Residential Single-Family Military Lighting Overlay Edwards Recharge Zone District.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Although six foot wooden privacy fences in the rear yard are common in the neighborhood, all other fences

have been built in such a manner to not interfere with Clear Vision for motorists. The fence violating the Clear Vision would alter the character of the district.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

There is no unique circumstance existing on the property that would require the owner to violate the Clear Vision requirements.

Alternative to Applicant's Request

The applicant would need to comply with the Unified Development Code standards for reverse corner lot fencing.

Staff Recommendation

Staff recommends **APPROVAL of special exception request in A-17-080** based on the following findings of fact:

1. The special exception would add space for the family to enjoy the outdoors. 2. The fence would is not out of character of the district. Staff recommends **DENIAL of variance request in 17-080** based on the following findings of fact: 1. The fence hinders the property owner's visibility to oncoming traffic when exiting the home's driveway.