



# City of San Antonio

## Agenda Memorandum

**File Number:**19-4220

---

**Agenda Item Number:** 5.

**Agenda Date:** 5/20/2019

**In Control:** Board of Adjustment

---

Case Number: BOA-18-10300054  
Applicant: Manuela Torres  
Owner: Manuela Torres  
Council District: 2  
Location: 5822 Castle Run Drive  
Legal: Lot 20, Block 014, NCB 15804  
Description:  
Zoning: "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family  
Martindale Military Lighting Overlay Military Lighting  
Region 2 Airport Hazard Overlay District  
Case Manager: Mercedes Rivas, Planner

### **Request**

A request for a special exception to allow an existing 8' fence along the side and rear property lines within the rear yard as described in Section 35-514.

### **Executive Summary**

The subject property is located at 5822 Castle Run Drive. The applicant is seeking permission to keep an existing 8' wooden fence in the rear yard in order to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. The son and daughter-in-law of the home owner live on the adjacent lot east of the subject property and are in approval of the existing 8' wooden fence. The subject property is surrounded by residential properties.

### **Code Enforcement History:**

No Code Enforcement history exists on the property.

### **Permit History:**

There is no permit history related to the 8' fence on the property. The property owner is seeking a variance to

allow for a permit to be issued.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
South	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
East	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home
West	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Home

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

The property is not within a Neighborhood, Community, Perimeter or Sector Plan, however, it is located within the proposed Far East Community Plan, which is in Phase 4 of the SA Tomorrow process. The subject property is located within the East Village Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

Castle Run Drive 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 UDC states the Board of Adjustment can grant a special exception for a fence height modification up to 8'. The additional fence height is intended to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. If granted, this request would be in harmony with the spirit and purpose of the ordinance. No portions of the fences will be in violation of the Clear Vision field.**

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

**In this case, these criteria are represented by maximum fence heights to protect residential property owners while still promoting a sense of community. The fence height is built in the rear yard to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. This is not contrary to the public interest.**

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

**No portion of the fence will be in violation of the Clear Vision field. No adjacent property owner, nor the traveling public, will be harmed by the proposed fence.**

*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 8' fence along the side and rear property lines within the rear yard would not significantly alter the overall appearance of the district and would provide added security and protection for the property owner.**

*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. The special exception request is to allow an 8' fence in order to provide a safer environment for an aging resident of the home and to provide protection from dogs located at an adjacent lot in the rear of the property. Therefore, the requested special exception will not weaken the general purpose of the district.**

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

The applicant would need to adhere to the permitted fence heights as described in Section 35-514.

### **Staff Recommendation**

Staff recommends **APPROVAL** of variance in **BOA-19-10300054**, based on the following findings of fact:

1. The fence will provide additional privacy and security to the subject property.