



City of San Antonio

Agenda Memorandum

File Number:20-1086

Agenda Item Number: 4.

Agenda Date: 1/13/2020

In Control: Board of Adjustment

Case Number: BOA-19-10300157
Applicant: Rudolph Puzon & Carol Kelly
Owner: Rudolph Puzon & Carol Kelly
Council District: 9
Location: 15235 Chalet Dr
Legal: Lot 15, Block 44, NCB 16300
Description:
Zoning: "R-5 AHOD" Residential Single Family Airport Hazard
Overlay District
Case Manager: Rachel Smith, Planner

Request

A request for a special exception, as described in Section 35-514, to allow a fence to be 8' tall along both side yards and rear property line.

Executive Summary

The subject property is a single family home in the North Central Thousand Oaks Neighborhood Association boundaries. The property is completely surrounded by single family residential. The property owner would like to add a 2' tall section of lattice at the top of their existing 6' fence to match what already exists on a portion of their property. The applicant states that portion that already exists has been there for nearly 30 years. Upon a visit to the site, staff noted that a portion of the existing fence was 8' tall (including the lattice), and the contractor has begun to install the supports for the lattice that corresponds with this request. Staff also noted and documented that there is a 30" elevation change between this property and the adjacent property which is being leveled by a retaining wall. This elevation change is less than the four feet minimum that would allow an 8' fence to be constructed by right.

Code Enforcement History

There is no code enforcement history on file for this property.

Permit History

The property has no permits on file; the applicant is seeking the special exception to allow a permit to be issued.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 33076 dated March 18, 1965, as “Temp A” Temporary Single Family District. The property was rezoned by Ordinance 73692 to “R-5” Residential Single Family, on May 23, 1991. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the zoning converted to the current “R-5” Single Family district.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|-------------------------|
| “R-5 AHOD” Residential Single Family Airport Hazard Overlay District | Single family residence |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|--|-------------------------|
| North | “R-5 AHOD” Residential Single Family Airport Hazard Overlay District | Single family residence |
| South | “R-5 AHOD” Residential Single Family Airport Hazard Overlay District | Single family residence |
| East | “R-5 AHOD” Residential Single Family Airport Hazard Overlay District | Single family residence |
| West | “R-5 AHOD” Residential Single Family Airport Hazard Overlay District | Single family residence |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the North Sector plan and is designated as “Suburban Tier” within the future land use element of that plan. The subject property is in the boundaries of the North Central Thousand Oaks Neighborhood Association and as such, they were notified of the case.

Street Classification

Chalet Drive is classified as a local street.

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 up to eight feet. The additional fence height along the side and rear property lines is intended to provide safety and security of the applicant’s property. Staff finds this in harmony with the spirit of the chapter.

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. An 8’ tall fence in the side and rear yard is not contrary to the public interest.

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

The fence enhances the privacy and security of the subject and is unlikely to injure neighboring properties. A portion of the fence is already 8' tall and has existed this way for years with no complaints.

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 fence provides a safe environment for the property owner without negatively impacting the character of the neighborhood.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

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 height requirements established by Section 35-514 in the San Antonio UDC.

Staff Recommendation

Staff recommends **APPROVAL** of the special exception in **BOA-19-10300157** based on the following findings of fact:

1. The fence around the rear yard is providing privacy and security.
2. The granting of the special exception will not injure the public safety or welfare of the neighboring properties.
3. The requested height does not detract from the character of the community.
4. A portion of the fence already exists with the proposed height and has not received any complaints.