



City of San Antonio

Agenda Memorandum

File Number:20-1905

Agenda Item Number: 3.

Agenda Date: 2/17/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300003
Applicant: Brian Kolodziej
Owner: Brian Kolodziej
Council District: 9
Location: 3115 Sable Creek
Legal: Lot 4, Block 8, NCB 18217
Description:
Zoning: "R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential
Single-Family Planned Unit Development Master
Development Plan Camp Bullis Military Lighting Overlay
Military Lighting Region 2 Edwards Recharge Zone District
Case Manager: Justin Malone, Planner

Request

A request for a special exception, as described in Section 35-514, to allow a fence to be up to 8' tall in the side and rear yard.

Executive Summary

The subject property is located at 3115 Sable Creek, approximately 735 feet from the intersection of Evans Road and Roan Forest. The applicant added an 8' tall privacy fence along the side and rear property lines. Initially the applicant's site plan illustrated an 8' front yard fence in error but has since been revised to allow the fence along side and rear yards only. A fencing permit was issued on January 6, 2020 for a 6' wood fence along the side and rear property lines behind the front façade of the primary residence.

The applicant stated that he will not be adding any additional fencing in the front yard portion of the property, only keeping the existing fence as is. During site visits, Staff noted that neighboring properties have similar constructed fences of wrought-iron and wooden privacy fences along their property lines.

Zoning History

The subject property was annexed by Ordinance 61608 on December 30, 1985 where it was zoned Temporary “R-1” Single Family Residential. The subject property was rezoned from Temporary “R-1” ERZD Single Family Residential Edwards Recharge Zone District to “P-1 (R-1)” ERZD Planned Unit Development Single Family Residential Edwards Recharge Zone District by Ordinance 85935 on April 24, 1997. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to “R-6 PUD MPD MLOD-1 MLR-2 ERZD” Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District.

Code Enforcement History

Code Enforcement investigation on November 18, 2019 for a fence exceeding 6’ on side and rear yard.

Permit History

The owner was issued a fence permit on January 6, 2020 for a 6’ wood fence along the side and rear property lines behind front façade of primary residence.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|------------------------|
| “R-6 PUD MPD MLOD-1 MLR-2 ERZD” Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District | Single-Family Dwelling |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|--|------------------------|
| North | “R-6 PUD MPD MLOD-1 MLR-2 ERZD” Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District | Single-Family Dwelling |
| South | “R-6 PUD MPD MLOD-1 MLR-2 ERZD” Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District | Single-Family Dwelling |
| East | “R-6 PUD MPD MLOD-1 MLR-2 ERZD” Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District | Single-Family Dwelling |
| West | “R-6 PUD MPD MLOD-1 MLR-2 ERZD” Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the North Sector Plan and currently designated as Suburban Tier Residential in the future land use component of the plan. The subject property is located within the boundaries of the Evans Ranch Homeowner's Association. As such, they were notified and asked to comment.

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 is intended to provide safety and security of the applicant's property. If granted, this request would be in 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 residential property owners while still promoting a sense of community. An 8' tall closed fence was built along a portion of the side and rear property lines to provide additional security for the applicant's property. This is not contrary to the public interest.

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

The fence will create enhanced security and privacy for the subject property and is highly unlikely to injure adjacent properties. The material and style of the fence is similar to other fences and is not noticeable from the right-of-way. Further, the fencing does not violate Clear Vision standards.

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 fencing does not detract from the character of the neighborhood. The fencing is in line with other preexisting fencing material and height within the immediate vicinity.

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

The property is located within the "R-6 PUD MPD MLOD-1 MLR-2 ERZD" Residential Single-Family Planned Unit Development Master Development Plan Camp Bullis Military Lighting Overlay District Overlay Edwards Recharge Zone District and permits the current use. The requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

Denial of the variance request and special exception would result in the owner having to meet the required fence height regulations in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of **BOA-20-10300003**, based on the following findings of fact:

1. The fence in the front yard does not extend pass the front façade of the primary residence, and;
2. The fence does not obstruct the clear vision standards, and;

3. The material and look of the existing fence is not out of character with the surrounding neighborhood.