



City of San Antonio

Agenda Memorandum

File Number:20-6071

Agenda Item Number: 8.

Agenda Date: 10/19/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300092
Applicant: Raymond Prior
Owner: Raymond Prior
Council District: 9
Location: 18215 Brookwood Forest
Legal Description: Lot 10, Block 7, NCB 16334
Zoning: "R-6 PUD MLOD-1 MLR-1 ERZD" Residential Single
Family Planned Unit Development Camp Bullis Military
Lighting Overlay Military Lighting Region 1 Edwards
Recharge Zone District
Case Manager: Azadeh Sagheb, Planner

Request

A request for a 2'1.5" variance, as described in Section 35-514, to allow a privacy fence to be up to 8'1.5" tall in the side and rear of property.

Executive Summary

The subject property is located at 18215 Brookwood Forest, north of North Loop 1604 West and west of Blanco Road. The applicant is requesting to maintain an 8'1.5" tall Japanese Cedar fence erected within the side and rear property lines. The applicant installed the solid screen fence without obtaining a fence permit. The property is abutting a commercial property on the rear side; therefore, the owner is able to build up to 8' tall along the rear property line. The applicant states concerns of security, and headlights and parking lot lights shining into the house rear side windows. The subject property is located within a gated community, and during the site visit, staff noticed a similar type of fence utilized by other neighbors.

Code Enforcement History

There is a pending Code Enforcement record for this property dated, August 17, 2020 related to installed fence.

Permit History

No permits have been processed for this property.

Clear Vision Review

A review of Clear Vision is not required for this request.

Zoning History

The area was annexed under Ordinance 85090, dated December 31, 1996 and was originally zoned as “R-1” Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted from “R-1” Single Family District to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 PUD MLOD-1 MLR-1 ERZD” Residential Single Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District	Residential
South	“C-2 PUD MLOD-1 MLR-1 ERZD” Commercial Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District	Commercial

East	“R-6 PUD MLOD-1 MLR-1 ERZD” Residential Single Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District	Residential
West	“R-6 PUD MLOD-1 MLR-1 ERZD” Residential Single Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District	Residential

Comprehensive Plan Consistency/Neighborhood Association

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

Street Classification

Brookwood Forest is classified as a local street.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

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

The public interest is defined as the general health, safety, and welfare of the public. In this case, given the lot’s location abutting a commercial property, the variance for an 8’1.5” solid screen fence is not contrary.

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

A literal enforcement of the ordinance would result in unnecessary hardship by requiring the demolition of the fence.

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

The spirit of the ordinance is the intent of the code, rather than the strict letter of the law. The intent of the fence height requirement is to provide ample security and safety while establishing minimum fence height and material requirements. All intents of this law will be observed if approved.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning 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.*

This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, the variance would not place the fence out of character within the community.

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.*

The unique circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. The installed fence serves as a buffer to the subject property.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **APPROVAL** of **BOA-20-10300092**, based on the following findings of fact:

1. The fence is of similar height, design, and purpose as other fences within the gated community, and;
2. The fence within the subject property acts as a buffer to the subject property, and;
3. The fence will not distract the uniform character of neighborhood.