City of San Antonio

Agenda Memorandum

File Number:20-6383

Agenda Item Number: 7.

Agenda Date: 11/2/2020

In Control: Board of Adjustment

Case Number:	BOA-20-10300089
Applicant:	Donald Smith
Owner:	Donald Smith
Council District:	2
Location:	6119 Bear Branch
Legal Description:	Lot 24, Block 2, NCB 35132L
Zoning:	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Region 2
Case Manager:	Azadeh Sagheb, Planner

Request

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

Executive Summary

The subject property is located at 6119 Bear Branch, south of US Highway 87 East and east of South-East Loop 410 Access Road. The neighborhood is predominantly surrounded by residential properties. The applicant installed an 8' tall wood privacy fence in the side and rear of property without obtaining an appropriate permit. The applicant is seeking a special exception to maintain the constructed fence.

The applicant states concern of a deep downward slope existing on both sides of the property to build an 8 feet tall fence to enhance privacy and security.

Code Enforcement History

There is a pending Code Enforcement record for this property dated, August 7, 2020 related to installed fence.

Permit History

No relevant 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 92906, dated December 31, 2000 and was originally zoned as "Temp R -1" Temporary 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 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Region 2	Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Region 2	Residential
South	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Region 2	Residential
East	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Region 2	Residential
West	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Region 2	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Eastern Triangle Community Plan and is designated as "Low-Density Residential" in the future land use component of the plan. The subject property is located within the boundaries of Lakeside Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Bear Branch 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 eight feet. The additional fence height is intended to provide privacy 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.
The public welfare and convenience can be served by maximum fence heights to protect residential property owners while still promoting a sense of community. An 8' tall wooden fence along the side and rear property line will provide additional privacy 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 utilized within the immediate vicinity. Further, the constructed fence 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 within the community.

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

The current zoning allows the current use of a single-family home. The requested special exception will not weaken the general purpose of the district.

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-20-10300089,** based on the following findings of fact:

1. The fence will remain in harmony with the character of the district by being a solid screen wood fence in the side and rear yard, and;
2. The additional two feet will provide security and privacy to the property located on an uneven ground.