



# City of San Antonio

## Agenda Memorandum

**File Number:**15-3432

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**Agenda Item Number:** 6.

**Agenda Date:** 6/15/2015

**In Control:** Board of Adjustment

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**Case Number:** A-15-105  
**Applicant:** Lawrence Wilson  
**Owner:** Lawrence Wilson  
**Council District:** 10  
**Location:** 15218 Mineral Springs Drive  
**Legal Description:** Lot 22, Block 10, NCB 18890  
**Zoning:** "R-5" Residential Single-Family District  
**Prepared By:** Logan Sparrow, Senior Planner

### Request

A request for 1) an eight inch variance from the six foot maximum height limitation, as described in Section 35-514(d)(1), to allow a fence that is up to six feet and eight inches tall in the rear yard of the property and 2) a variance from the prohibition against corrugated or sheet metal as a fencing material, as described in Section 35

-514(6)(d).

### Executive Summary

The subject property is located at 15218 Mineral Springs Drive approximately 121 feet southeast of Green Spring Drive. The applicant was cited by Code Enforcement for construction of a fence, which exceeds the six foot rear yard height limitation, by eight inches. In addition, the property owner was cited for using a metal fencing material which is prohibited by the Unified Development Code. The fence is located along the applicant's west property line. This property shares this west property line with the neighbor's rear property line. As such, as the fence also serves as the neighbor's rear yard fence, staff is advertising the request from the rear yard fence height limitation only. The fence, as constructed, does comply with all clear vision requirements. Staff finds that the fence contributes to an architectural theme that is consistent within this unique neighborhood.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5" Residential Single-Family District	Single-Family Dwelling

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5" Residential Single-Family District	Single-Family Dwelling
South	"R-5" Residential Single-Family District	Single-Family Dwelling
East	"R-5" Residential Single-Family District	Single-Family Dwelling
West	"R-5 AHOD" Residential Single-Family	Single-Family Dwelling

## Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated Low-Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of any registered neighborhood association.

## 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, these criteria are represented by fence height limitations to protect property owners and to contribute to a sense of community. Also, the public interest is represented by fencing material requirements to ensure that fencing across San Antonio contributes to communities, rather than detracting from them. In this case, the fence is only minimally taller, by eight inches, than what the adjacent property is permitted to have by-right. Staff finds that this additional height is hardly noticeable and certainly does not conflict with the public interest. Additionally, the fence in question is a well-built metal fence framed with stained wood. The design contributes to the home and to the unique architectural theme present within this community. Staff finds that the request is not contrary to the public interest.

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

The unique condition present in this case is that the fence is permitted to be six feet tall, even in the applicant's front yard, as they share their west property line with the neighbor's rear yard. An eight inch variance is hardly noticeable from the street and does not detract from the community. Directly across the street is another wood fence of similar height. Mandating that the applicant reduce the height of the fence eight inches may result in unnecessary hardship.

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

Substantial justice will be served as relaxing the height limitation to allow the additional eight inches will help to provide added screening from the neighbor's rear yard. Also, the current fence design compliments the home in architectural style and is consistent with the architecture of the community. While processing this request, staff received numerous phone calls from property owners nearby that complimented the fence.

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

**The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “R-5” Residential Single-Family 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.*

**If the fence were built at six feet in height then it would be permitted, even in that portion of the front yard due to the shared property line with the neighbor’s rear yard. An additional eight inches in height is unlikely to alter the essential character of the community, especially given that the property across the street has a fence of similar height. Lastly, staff finds that the design of the fence is consistent with the architectural theme present within this 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 special condition present in this case is that the fence is permitted to be six feet tall, even in the applicant’s front yard, as they share their west property line with the neighbor’s rear yard. These are not the fault of the owner of the property, nor are these problems merely financial in nature.**

### **Alternative to Applicant’s Request**

Denial of the request would result in the applicant having to reduce eight inches of height on the existing fence and removing the metal portion of the fence.

### **Staff Recommendation**

Staff recommends **APPROVAL** of **A-15-103** based on the following findings of fact:

1. The existing fence seeks only an eight inch, or 11 percent, variation in the permitted height and is consistent with the architectural designs of the community.
2. The unique circumstances present in this case is that the fence is permitted to be six feet tall, even in the applicant’s front yard, as they share their west property line with the neighbor’s rear yard.

### **Attachments**

Attachment 1 - Notification Plan (Aerial Map)  
Attachment 2 - Plot Plan (Aerial Map)  
Attachment 3 - Site Plan  
Attachment 4 - Site Photos