

Case Number:	BOA-22-10300031
Applicant:	Bradley Adam Bush
Owner:	Bradley Adam Bush
Council District:	8
Location:	4814 Bucknell
Legal Description:	Lot 4, Block 6, NCB 16142
Zoning:	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District
Case Manager:	Rebecca Rodriguez, Senior Planner

### **Request**

A request for a 2' special exception from the maximum 6' fence height requirement, as described in Section 35-514, to allow a solid screened fence to be 8' tall along the side and rear property lines.

### **Executive Summary**

The subject property is located along Bucknell and there is a single-family dwelling on the property. The applicant constructed an 8' solid screened fence without obtaining a fence permit and a code investigation was opened. Upon the site visit conducted by staff, the wood fence measured 8' in height. The maximum height permitted for a solid screened fence in the rear yard is 6'. Staff observed elevation changes throughout the neighborhood including on the subject property. The elevation changes appeared to be between 1' to 3' in various locations of the lot.

### **Code Enforcement History**

An investigation was opened on February 7, 2022, for Building Without a Permit and a Stop Work Order was posted.

### **Permit History**

There are no relevant permits on file for this property. The permit for the fence is pending the outcome of the Board of Adjustment hearing.

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 41428, dated December 26, 1972, and zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 44675, dated December 5, 1974, to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence
South	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Drainage Easement
East	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence
West	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the North Sector Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within an area where there are no neighborhood association registered.

### **Street Classification**

Bucknell Street is classified as a local road.

### **Criteria for Review – Fence Height Special Exception**

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. The proposed fence being requested is solid screened, located along the side and rear property lines. If granted, staff finds the 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 fence heights to protect residential property owners while still promoting a sense of community. An 8’ fence along the side and rear property lines do not pose any adverse effects to the public welfare.**

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

**The fence will add security to the subject property and adjacent properties. Other solid screened fences were observed in the area therefore the request is unlikely to substantially injure any neighboring properties. Additionally, the property is abutting a drainage easement to the rear.**

*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 additional height in fence along the rear and side property lines will not alter the essential character of the district as it will be contained entirely in the rear yard.**

*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 permits the use of a single-family home. The requested special exception will not weaken the general purpose of the district. The fence is located behind the front façade of the residence; thus, it does not appear out of character for the neighborhood.**

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Fence Height Regulations listed under Section 35-314 of the UDC.

#### **Staff Recommendation – Side and Rear Yard Fence Special Exception**

Staff recommends **Approval** in **BOA-22-10300031** based on the following findings of fact:

1. The 8' fence will add additional security and privacy to the subject site and immediate area; and
2. Wood privacy fences were observed within the surrounding area, so it does not appear to alter the essential character; and
3. There is a drainage easement located to the rear of the subject property; and
4. Various elevation changes were observed in the area including on the subject property.