

Case Number:	BOA-22-10300145
Applicant:	William Cummings
Owner:	Cummings William J & Shannon K
Council District:	6
Location:	8506 Timber Place
Legal Description:	Lot 28, Block 111, NCB 18811
Zoning:	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

**Request**

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

**Executive Summary**

The subject property is located on 8506 Timber Place. The applicant has installed an 8' fence along the side property line. Upon the site visit, staff could see the fence from the right of way. Staff did not find other similar fences seen in the surrounding area. This case was initiated by a Code Investigation for Building Without a Permit

**Code Enforcement History**

A Code Investigation for Building Without a Permit was opened on 06/13/2022.

**Permit History**

Fence permits are pending the outcome of the BOA Meeting.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 68296 dated December 30, 1989 and was zoned “R-1” Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current “R-6” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Northwest Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Great Northwest Neighborhood Association, and they were notified of the case.

**Street Classification**

Timber Place is classified as a local road.

**Criteria for Review – Side Fence Height**

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 additional fence height was observed upon the site visit and, if granted, staff finds the request would not 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’ tall fence in the front yard does not appear to serve the public welfare and convenience

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

The fence height special exception is being requested for the subject property. With no unique features existing on the property and no other 8’ fences observed in the surrounding neighborhood, the neighboring property may potentially be adversely affected.

- 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 for the side at alters the essential character of the district as there were no fences of similar heights in the area.

*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 does not permit the current use and is likely to weaken the general purpose of the district.

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

The alternative to the applicant's request is to conform to the Fence Regulations per the UDC Section 35-514.

### **Staff Recommendation – Fence Height Special Exemption**

Staff recommends Denial in BOA-22-10300121 based on the following findings of fact:

1. Staff did not find any other fences in the surrounding area so the request appears to alter the essential character of the district; and
2. There do not appear to be unique features existing on the property