

Case Number:	BOA-21-10300077
Applicant:	Paula Griffith
Owner:	Paula Griffith
Council District:	10
Location:	8607 Norwich
Legal Description:	Lot 18, Block 6, NCB 13270
Zoning:	"NP-8 AHOD" Neighborhood Preservation 8 Airport Hazard Overlay District.
Case Manager:	Roland Arsate, Planner

Request

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

Executive Summary

The subject property is located along Norwich Street, just north of Loop 410 East. There is an existing single-family dwelling currently on the property. During the site visit, staff observed an existing 8 foot fence all around the property line. The rear property line abuts a large commercial multi-level parking garage and parking lot. Due to the property abutting the commercially-zoned property, the existing 8' fence along the rear property line is permitted. The applicant has installed an 8' fence along the side property line which is the fence being requested as a special exception. The 8' fence is being requested for security reasons as there is a swimming pool in the rear yard of the subject property and there are noticeable changes in grade on the property from the rear to the front.

Code Enforcement History

A Code Enforcement Investigation was opened in March of 2021 for Building Without a Permit.

Permit History

July 2001 – Mechanical Permit

May 2017 – Re-roof Permit

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned Temporary "A" One Family District. The subject property was rezoned by ordinance 66918, dated April 7, 1988 to "R-1" Single Family Residence District. The zoning converted from "R-1" to "R-6" Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001). The property was rezoned by from "R-6" Residential Single Family District to "NP-8" Neighborhood Preservation District by Ordinance 2013-01-17-0060 dated January 17, 2013.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District.	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District.	Single-Family Residence
South	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District.	Single-Family Residence
East	"NP-8 AHOD" Neighborhood Preservation Airport Hazard Overlay District.	Single-Family Residence
West	"C-2 AHOD" Commercial Airport Hazard Overlay District.	Commercial Building

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the San Antonio International Airport Vicinity Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the MacArthur Park Neighborhood Association and were notified of the case.

Street Classification

Norwich Street 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 applicant is requesting the additional fence height for security purposes due to the proximity to a commercial property as well as for privacy purposes due to the installed swimming pool. 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. The proposed 8’ tall solid screened fence along the side property line, does 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 create enhanced security and privacy for the subject property and is unlikely to substantially injure any neighboring properties.

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 fence along the side property line will not alter the essential character of the district. There appear to be similar fences in the immediate area, which is most likely due to the elevational differences 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 permits 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

The alternative to the applicant's request is to conform to the fence heights requirements per the UDC Section 35-514.

Staff Recommendation – Side Fence Special Exception

Staff recommends **Approval** in **BOA-21-10300077** based on the following findings of fact:

1. There is a significant change in grade elevation from the rear to the front of the property;
and
2. The additional fence height appears to provide additional security and privacy; and
3. The proposed solid screened fence will not adversely affect the surrounding neighboring properties.