

Case Number:	BOA-22-10300024
Applicant:	Justin Rominski
Owner:	Justin Rominski
Council District:	10
Location:	15522 Triple Creek
Legal Description:	Lot 19, Block 15, NCB 18890
Zoning:	"R-5 ERZD" Residential Single Family Edwards Recharge Zone 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 privacy fence along the side and rear property lines.

Executive Summary

The subject property is located on the corner of Triple Creek and Trailway Park. There is currently a single-family dwelling on the property. Upon the site visit conducted by staff, it was observed that a portion of the rear fence is partially torn down due to the ongoing installation of an inground swimming pool in the rear yard. A slight change of grade on the property was also observed from the rear to the front of the subject property. Other fences at a height of 8' tall were observed to be installed in the immediate area.

Code Enforcement History

February 2022 – Building without a permit – No violation

Permit History

May 2016 – Re-roof permit

February 2022 – Minor repairs permit

Dec 2021 – Electrical Permit

November 2021 – Pool Permit

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 81102, dated December 30, 1994 and zoned Temporary “R-1” Single Family Residence District. The property was rezoned by Ordinance 83859, dated March 28, 1996 from Temporary “R-1” Single Family Residence District to “R-5” Single Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current “R-5” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 ERZD" Residential Single Family Edwards Recharge Zone District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 ERZD" Residential Single Family Edwards Recharge Zone District	Single-Family Residence
South	"R-5 ERZD" Residential Single Family Edwards Recharge Zone District	Single-Family Residence
East	"R-5 ERZD" Residential Single Family Edwards Recharge Zone District	Single-Family Residence
West	"R-5 ERZD" Residential Single Family Edwards Recharge Zone District	Single-Family Residence

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 not located within a registered Neighborhood Association.

Street Classification

Triple Creek is classified as a local road.

Criteria for Review – Side and Rear 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 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 privacy while still promoting a sense of community. An 8’ tall fence along the side and rear portion of the yard on the 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 privacy for the subject property for the swimming pool in the rear yard 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 rear yard fencing will not alter the essential character of the district. The request for additional fence height is not only due to privacy but also for change in grade of property. Other 8’ tall fences were also observed in the surrounding 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 and will only enhance property values.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Height Requirements of the UDC Section 35-514.

Staff Recommendation – Side and Rear Yard Fence Special Exception

Staff recommends **APPROVAL** in **BOA-22-10300024** based on the following findings of fact:

1. The additional two feet in height will provide additional safety and security to the property; and
2. There is a noticeable change in grade from the rear to the front of property; and
3. The request does not appear to alter the essential character of the district.