

Case Number:	BOA-21-10300117
Applicant:	Jesus Trevino
Owner:	Jesus Trevino
Council District:	3
Location:	4005 Skyridge Avenue
Legal Description:	Lot 28 & 29, Block 10, NCB 3729
Zoning:	"R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region-2 Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

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

Executive Summary

The subject property is located along Skyridge Avenue near Glover Avenue. The subject property currently has a single-family residence constructed on the property and is zoned residential single family. The applicant has already installed an 8' fence along a portion of southern side property line and along the northern side property line. The applicant is also proposing to install an 8' fence along the rear property line.

Code Enforcement History

July 2021 – New fence built without a permit.

Permit History

The fence permit is pending the outcome of the BOA Hearing.

Zoning History

The subject property was annexed by the City of San Antonio on August 2, 1944 by Ordinance 1256, and was zoned "B" Residence District. Subject property was rezoned by Ordinance 32121 to "A" Single-Family Residential District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "A" to the current "R-5" Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region-2 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
-------------	-----------------------------	--------------

North	"R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region-2 Airport Hazard Overlay District	Single-Family Residence
South	"R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region-2 Airport Hazard Overlay District	Single-Family Residence
East	"R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region-2 Airport Hazard Overlay District	Single-Family Residence
West	"R-5 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region-2 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Brooks Regional Center Area Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Highland Hills Neighborhood Association and were notified of the case.

Street Classification

Skyridge Avenue is classified as a collector 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 while still promoting a sense of community. An 8’ tall fence along the side and rear 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 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 side and rear yard fencing will not alter the essential character of the district.

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 Height Regulations of Section 35-514.

Staff Recommendation – Side and Rear Yard Fence Special Exception

Staff recommends **Approval** in **BOA-21-10300117** based on the following findings of fact:

1. The additional two feet in height does not pose any danger to the public and will not negatively effect property values; and
2. The additional two feet in height will provide additional safety and security to the property; and
3. The eight foot fence will provide additional privacy for the swimming pool in the rear of property.