

Case Number:	BOA-21-10300124
Applicant:	Christine Little
Owner:	Christine & Todd Little
Council District:	10
Location:	2618 Pebble Breeze
Legal Description:	Lot 1, Block 5, NCB 16801
Zoning:	"R-6" Residential Single-Family District
Case Manager:	Roland Arsate, Planner

### **Request**

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

### **Executive Summary**

The subject property is located on the corner of Pebble Breeze and Pebble Forest Drive. The subject property currently has a single-family residence constructed on the property and is zoned "R-6" Residential Single-Family District. The maximum fence height allowed for the side and rear of a property is 6 feet. The applicant has installed and is requesting to keep an 8 foot solid screen privacy fence along the side and rear of property lines in order to provide better privacy and security of the property. Staff observed differences in elevation in the immediate area which could justify the need for additional height.

### **Code Enforcement History**

There are no relevant Code Enforcement violations pending.

### **Permit History**

No permit was pulled for the construction of the fence.

### **Zoning History**

The subject property was annexed by the City of San Antonio by Ordinance 41429 on December 26, 1972 and was zoned Temporary "R-1" Single-Family Residence District. The zoning converted from Temporary "R-1" to the current "R-6" Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

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

Existing Zoning	Existing Use
"R-6" Residential Single-Family District	Single-Family Residence

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

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6" Residential Single-Family District	Single-Family Residence
South	"R-6" Residential Single-Family District	Single-Family Residence
East	"R-6" Residential Single-Family District	Single-Family Residence
West	"R-6" Residential Single-Family District	Single-Family Residence

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

The subject property is located in the North Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. The subject property is located within the Oak Hollow Park Neighborhood Association and were notified of the case.

### **Street Classification**

Pebble Breeze and Pebble Forest Drive are both 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 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 Fence Height Regulations of Section 35-514.

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

Staff recommends **Approval** in **BOA-21-10300124** based on the following findings of fact:

1. The additional two feet in height will provide additional privacy for the swimming pool in the rear yard; and

2. The 8' fence will provide additional security for the residential home; and
3. The proposed fence is not out of character with the surrounding area; and
4. There is a topographical change in grade between the property and neighboring properties.