

Case Number:	BOA-24-10300001
Applicant:	Andrew Hunt
Owner:	Eleanor Meyer
Council District:	6
Location:	6119 Townwood Street
Legal Description:	Lot 11, Block 12, NCB 14542
Zoning:	“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Melanie Clark, Planner

A request for

A 10' variance from the minimum 20' rear setback variance, as described in Section 35-310.01, to allow a structure to be 10' from the rear property line.

A 3' special exception from the maximum 5' fence height, as described in Section 35-514, to allow an 8' predominantly open fence in the front yard.

Executive Summary

The subject property is located on the corner of Town Briar Street and Townwood Street. The applicant is requesting a 10' variance from the minimum 20' rear setback to allow for extension of the residential home. Due to the location of the existing structure and elevation of the property, the extension is limited to the rear of the property creating the need for the variance. The applicant is additionally requesting a 3' special exception from the maximum 5' fence height to allow an 8' predominately open fence in the front yard. The dwelling has an estimated front setback of 26', and the front yard fence appears to be 3' from the front façade of the dwelling structure.

Code Enforcement History

There is no code history for the subject property.

Permit History

The issuance of a building permit is pending the outcome of the Board of Adjustment.

Zoning History

A portion of the property was annexed by the City of San Antonio by Ordinance 38000, dated December 6, 1969, with the remaining portion of the property was annexed by the City of San Antonio by Ordinance 39443, dated May 26, 1971, and zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Zoning/Land Use

North

Existing Zoning District(s)

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District Hazard Overlay District

Existing Use

Single-Family Residence

South

Existing Zoning District(s)

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District Hazard Overlay District

Existing Use

Single-Family Residence

East

Existing Zoning District(s)

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District Hazard Overlay District

Existing Use

Single-Family Residence

West

Existing Zoning District(s)

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District Hazard Overlay District

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is currently located in West/Southwest Sector Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the Thunderbird Hills Community Neighborhood Association and were notified of the case.

Street Classification

Town Briar Street and Townwood Street are classified as local roads.

Criteria for Review – Rear Setback Variance

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

Due to the area in which the lot is located as well as the distance from the neighboring lot to the rear, a 10’ rear setback will not affect the general health, safety, and welfare of the neighbor or surrounding properties.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement of the ordinance would prevent the applicant from completing the extension of their residential building on the property.

3. *By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The granting of this variance will observe the spirit of the ordinance, as the extension will be abiding all other setback requirements.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The rear setback variance distance will allow the residential building to be 10' from the rear setback. This will not injure the appropriate use of adjacent properties and will not alter the essential character of the district.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, such as the size and orientation of the lot. This circumstance does not appear to be merely financial.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

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 fence height being requested is 8' predominately open for the front yard. If granted, staff finds that the request would be in harmony with the spirit and purpose of the ordinance, as the fence does not impede corner lot clear vision requirements and is similar in stature to fences in the neighborhood.

B. The public welfare and convenience will be substantially served.

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The fence does not appear to interfere with the public welfare and convenience, as there are fences of similar design in the immediate surrounding area.

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

The special exception will not injure the neighboring properties as it is proportionate fence height and composition along the front yard and aligns with the height of the front freestanding wall/courtyard per Sec 35-514 (a)(3) has a permitted height of 8’.

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 fence height in the front property line will not alter the location for which the special exception is sought, as similar styled fences were observed to be in the immediate 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 requested special exception will not weaken the general purpose of the district as the fence is predominately open as to not impede clear vision requirements and placement of the fence is well within the minimum front setback requirements per Sec 35-514.

Alternative to Applicant’s Request:

The alternative to the applicant’s request is to conform to the Rear Setback Regulations under 35-310.01 and the Fence regulations under 35-514 of the Unified Development Code.

Staff Recommendation – Rear Setback Variance

Staff recommends **Approval** in **BOA-24-10300001** based on the following findings of fact:

- 1. The reduced rear setback will not injure neighboring properties; and**
- 2. the extension of the property will be abiding all other setback requirements.**

Staff Recommendation – Fence Height Special Exemption

Staff recommends **Approval** in **BOA-24-10300001** based on the following findings of fact:

- 1. The fence does not interfere with the public welfare and convenience, as there are fences of similar design in the immediate surrounding area; and**
- 2. The fence does not impede clear vision requirements.**