

Case Number:	BOA-22-10300035
Applicant:	Christine Salcido
Owner:	Christine Salcido
Council District:	10
Location:	15303 Spring Cove
Legal Description:	Lot 32, Block 22, NCB 18885
Zoning:	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

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

### **Executive Summary**

The subject property is located at the corner of Spring Cove and Creekway. There is currently a single-family dwelling on the property. Upon the site visit, staff observed that a new fence was installed along the side and rear property lines to allow for more privacy for a pool. Staff reviewed for a 4’ change in elevation and it did not appear to meet the requirements. The fence was being installed without a fence permit, so Code Enforcement investigated which prompted the request for a Special Exception.

### **Code Enforcement History**

March 2022- Building Without A Permit

### **Permit History**

There are no relevant permits pulled for the property. A Fence Permit is pending the outcome of the BOA Hearing.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 42200, dated June 13, 1973 and zoned “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	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

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

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

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

The subject property is located within the North Sector Plan and is designated Suburban Tier in the future land use plan. The property is not located within the boundaries of a Neighborhood Association but is located within 200 feet of the Elmwood HOA and they were notified of the case.

### **Street Classification**

Spring Cove Street is classified as a local road.  
Creekway is classified as a local road.

### **Criteria for Review – 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 yard does not pose any adverse effects to the public welfare. There are elevation changes in the area that provides a greater viewshed into the rear yard of the property.**

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

**The fence will create enhanced privacy for the subject property and 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 fencing along the side and rear property lines will not alter the essential character of the district. The request for additional fence height is due to privacy for the swimming pool.**

*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 residential. 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 Requirements of the UDC Section 35-514.

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

Staff recommends **APPROVAL** in **BOA-22-10300035** based on the following findings of fact:

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