

Case Number:	BOA-22-10300062
Applicant:	Bret Potter
Owner:	Bret and June Potter
Council District:	6
Location:	9224 Jorwoods Drive
Legal Description:	Lot 33, Block 22, NCB 18302
Zoning:	"R-6" Residential Single-Family District
Case Manager:	Rebecca Rodriguez, Senior Planner

Request

A request for a 2' special exception from the maximum 6' fence height, as described in Section 35-514, to allow a solid screened fence to be 8' tall in the side yard.

Executive Summary

The subject property is located along Jorwoods and has a single-family residence. There is an existing 8' solid fence as the gate located along in the side yard of the property, which the applicant is requesting to replace. The fence is composed of 6' cedar and 2' of lattice for a total of 8' in height. The maximum height permitted for a side yard fence is 6'. Staff observed elevation changes throughout the neighborhood including on the subject property. The elevation changes appeared in various locations of the neighborhood.

Code Enforcement History

There are no relevant Code Enforcement investigations for the subject property.

Permit History

There are no permits on file for the property.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 79037, dated December 31, 1993, and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 81169, dated November 10, 1994, to "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" 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 in the Northwest Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundary of the Northwest Crossing Association of San Antonio Neighborhood Association, and they have been notified of the request.

Street Classification

Jorwoods is classified as a local road.

Criteria for Review – Fence Height Special Exception

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 applicant is requesting to remove and replace an existing 8’ gate located in the side yard of the property. 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. The proposed replacement of an 8’ fence along the side 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 add security to the subject property, and adjacent properties. Wood privacy fences were observed in the area therefore the request is unlikely to substantially injure any neighboring properties. Additionally, the property has an inground swimming pool, therefore an 8’ fence will enhance the security of the property.

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 in fencing in the side yard fence 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 use of a single-family home. The requested special exception will not weaken the general purpose of the district. The fence is located behind the front façade of the residence; thus, it does not appear out of character for the neighborhood.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to the Fence Height listed under Section 35-314 of the UDC.

Staff Recommendation – Side Fence Special Exception

Staff recommends **Approval** in **BOA-22-10300062** based on the following findings of fact:

1. There is an existing 8' fence that the applicant is requesting to replace; and
2. The subject property has a swimming pool; and
3. Various elevation changes were observed in the area including on the subject property.