

Case Number:	BOA-22-10300269
Applicant:	Corben & Amy Pate
Owner:	Corben & Amy Pate
Council District:	9
Location:	2126 Oak Ranch
Legal Description:	Lot 2, Block 22, NCB 17602
Zoning:	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District
Case Manager:	Jake Exler, Planner

Request

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

Executive Summary

The subject property is located along Oak Ranch in Encino Park. The applicant constructed a wood privacy fence along the side property line without obtaining a fence permit. The case came from Code Enforcement Services. The maximum height permitted for a solid fence on the side is 6’. Upon the site visit conducted by staff, the fence measured 8’ in height at the highest point. Staff did not observe any abnormal physical features such as a slope on the property.

Code Enforcement History

An investigation was opened on December 14, 2022 for Building Without a Permit and a Stop Work Order was posted. The case is pending resolution.

Permit History

A residential fence permit for a 8” privacy fence was not obtained. The fence permit, which the applicant applied for on January 14, is pending the outcome of the Board of Adjustment hearing.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 59768, dated December 31, 1984, 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 Temporary “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 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence
South	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence
East	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence
West	“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is under the “North Sector Plan” and is designated as “Suburban Tier”. The subject property is not located in the boundary of a neighborhood association.

Street Classification

Oak Ranch is classified as a local street.

Encino Rio is classified as a local street.

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. Various fences in the area observe the UDC requirements and the requested 8’ wood privacy fence is not in harmony with the spirit and purpose of the ordinance.

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

In this case, the fence height criteria protect residential property owners while still promoting a sense of community. The privacy fence will not contribute to the public welfare and convenience as the privacy height will be exceeded by 2’.

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

Privacy fences above the 6’ maximum permitted were not observed in the vicinity of the subject site except for the direct neighboring properties; therefore, the additional height could likely substantially injure other properties in the neighborhood.

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 fence along the side property line will alter the essential character of the district, as other houses in the area have 6' side privacy fences.

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 may weaken the general purpose of the district, as it does not permit side privacy fences over 6'.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Height Regulations listed under Section 35-514 of the UDC.

Staff Recommendation – Fence Special Exception

Staff recommends Denial in BOA-22-10300269 based on the following findings of fact:

1. The 8' wood privacy fence was constructed on the side property line without an issued permit; and
2. The privacy fence is out of character for the neighborhood as most neighboring properties have 6' fences; and
3. The property does not include any abnormal physical features such as a change in elevation or slope.