

Case Number:	BOA-23-10300039
Applicant:	Martha Mulder
Owner:	Martha Mulder
Council District:	9
Location:	1707 Town Oak Drive
Legal Description:	Lots 2 and 3, Block 14, NCB 14830
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 3’ special exception from the maximum 3’ front fence height, as described in Section 35-514, to allow a 6’ solid screen fence along the front yard.

**Executive Summary**

The subject property is located along Town Oak Dr near the northeast border of Hollywood Park. The applicant has begun building a solid stone fence across the front yard to prevent neighbors from accessing the pool. The maximum height permitted for a solid fence on the front is 3’. Upon the site visit conducted by staff, staff observed that the applicant has begun construction on the fence. Staff did not observe any abnormal physical features such as a slope on the property. A variance was granted for 17006 Silverwood Drive and 17214 Bucher Lane and for a 6’ front fence in 2007 and 2014.

**Code Enforcement History**

There is no code enforcement history.

**Permit History**

There is no permit history.

**Zoning History**

The property was annexed into the City of San Antonio by Ordinance 41429, dated December 26, 1972, 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 has a designated future land use of “Suburban Tier”. The subject property is not located in the boundary of a neighborhood association.

**Street Classification**

Town Oak 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. Since there are other similar fences in the area, it is in harmony with the spirit and purpose of the chapter.**

*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 contribute to the welfare and convenience of the property owner and neighbors by protecting people from getting into the pool.**

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

**Privacy fences above the 3’ maximum permitted were observed in the vicinity of the subject site; therefore, the additional height would not 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 front property line will not alter the essential character of the district as other homes with pools have similar 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 will not weaken the purpose of the district as it merely relates to fence height for protecting the pool.**

### **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 **Approval** in **BOA-23-10300039** based on the following findings of fact:

1. The 6' privacy fence will protect the property and neighbors; and
2. The property does not alter the essential character of the district.