

Case Number:	BOA-21-10300143
Applicant:	Rosiz Rusk
Owner:	John and Rosiz Rusk
Council District:	9
Location:	18307 Brookwood Forest
Legal Description:	Lot 7, Block 7, NCB 16334
Zoning:	"R-6 PUD MLOD-1 MLR-1 ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edward Recharge Zone District
Case Manager:	Roland Arsate, Planner

**Request**

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

**Executive Summary**

The subject property is located along Brookwood Forest near Huebner Road. The subject property currently has a single-family residence constructed on the property. The applicant is proposing to construct an 8’ solid screened privacy fence along the side and rear property yard of the residential structure. The property does abut commercially zoned property to the rear, so an 8’ fence is permitted by-right and the special exception is only required for the portion of fence along the side property lines in the rear yard.

**Code Enforcement History**

There are no relevant Code Enforcement violations pending.

**Permit History**

There are no relevant permits pulled for the property.

**Zoning History**

The subject property was annexed by the City of San Antonio by Ordinance 85090, dated December 30, 1996 and zoned “R-1” Single-Family Residential District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” to the current “R-6” Residential Single-Family District, established by Ordinance 93881 dated May 3, 2001.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
"R-6 PUD MLOD-1 MLR-1 ERZD" Residential Single-Family Planned Unit Development Camp Bullis	Single Family Residence

Military Lighting Overlay Military Lighting Region 1 Edward Recharge Zone District	
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**Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-6 PUD MLOD-1 MLR-1 ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edward Recharge Zone District	Single Family Residence
South	"C-2 MLOD-1 MLR-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edward Recharge Zone District	Vacant Land
East	"R-6 PUD MLOD-1 MLR-1 ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edward Recharge Zone District	Single Family Residence
West	"R-6 PUD MLOD-1 MLR-1 ERZD" Residential Single-Family Planned Unit Development Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edward Recharge Zone District	Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the North Sector Plan and is designated “Suburban Tier” in the future land use component of the plan. The subject property is not located within a Neighborhood Association.

**Street Classification**

Brookwood Forest is classified as a local road.

**Criteria for Review – Side property line 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. An**

**8' fence is already permitted by right along the rear property line due to the commercial zoning to the rear.**

*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. An 8' tall fence along the side and rear yard on the does not pose any adverse effects to the public welfare. There are elevation differences in the area, and the exception to the fence height will serve the public welfare and convenience.**

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

**The proposed fence will create enhanced security and privacy for the subject property 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 side and rear yard fencing 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 current use of a single-family home. 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 Regulations of Section 35-514.

### **Staff Recommendation – Side property lines Fence Special Exception**

Staff recommends **Approval** in **BOA-21-10300143** based on the following findings of fact:

1. The additional two feet in height will allow for privacy and security of the residential structure; and
2. The residential property is abutting a commercially zoned property directly behind it; and
3. There are differences in elevations present between the subject property and neighboring properties; and
4. An 8' fence does not appear to have an adverse effect on neighboring properties.