

Case Number:	BOA-21-10300165
Applicant:	John Higginbotham
Owner:	John and Roslyn Higginbotham
Council District:	9
Location:	17014 Summer Creek Drive
Legal Description:	Lot 4, Block 1, NCB 18381
Zoning:	"R-6 MLOD-1 MLR-1 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Recharge Zone District
Case Manager:	Roland Arsate, Planner

Request

A request for a 2' special exception from the maximum fence height requirement, as described in Section 35-514, to allow an 8 ft solid screened privacy fence along the left side property line.

Executive Summary

The subject property is located along Summer Creek Drive near Blanco Woods Street. The subject property currently has a single-family residence constructed on the property. The fence was built without a permit and was advised by DSD staff to come into compliance or to obtain a special exception for the fence height. The applicant has installed an 8' solid screened fence on the left side of the property line due to privacy issues with the abutting neighbor. The windows on the existing single-family residences are causing the privacy issues for the subject property. Additionally, there are some elevation differences on the property that create unique circumstances on the property.

Code Enforcement History

A Permit Investigation for Building Without a Permit was opened on October 15th, 2021 and is pending resolution. The permit is pending the outcome of the BOA Meeting.

Permit History

January 2000 – Plumbing Permit

December 2009- Plumbing Permit

February 2011 – Mechanical Permit

Zoning History

The subject property was annexed by the City of San Antonio by Ordinance 64019, dated December 28, 1986 and zoned "R-1" Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "R-1" Single-Family Residence District 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 MLOD-1 MLR-1 AHOD ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay	Single-Family Residence

Military Lighting Region 1 Airport Hazard Overlay Edwards Recharge Zone District	
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Surrounding Zoning/Land Use

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

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the San Antonio International Airport Vicinity Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Blanco Woods HOA Neighborhood Association and were notified of the case.

Street Classification

Summer Creek Drive is classified as a local road.

Criteria for Review – Side 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 proposed fence height is being requested to remain on the western property line 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 while still promoting a sense of community. An 8' tall fence along the left side yard 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 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 Yard Fence Special Exception

Staff recommends **Approval** in **BOA-21-10300165** based on the following findings of fact:

1. There is a change of grade on the subject property from east to west; and
2. An 8' fence will add additional security and privacy to the subject property and immediate area.