



City of San Antonio

Agenda Memorandum

File Number:17-6020

Agenda Item Number: 9.

Agenda Date: 11/6/2017

In Control: Board of Adjustment

Case Number: A-17-193
Applicant: Jose Cueva
Owner: Gonzalo Pozo
Council District: 1
Location: 2121 North Saint Mary's Street
Legal Description: East Irregular 106 Feet of Lot 6 and the East Irregular 118.4 Feet of Lot 7 and the East Irregular 131 Feet of Lot 8, Block 15, NCB 1742
Zoning: "C-3 H UC-4 AHOD" General Commercial Tobin Hill Historic Urban Corridor Overlay Airport Hazard Overlay District.
Case Manager: Oscar Aguilera, Planner

Request

A request for a special exception, as described in Section 35-399.04, to allow a predominantly open six foot tall fence in the front yard.

Executive Summary

The subject property operates as a restaurant and the applicant wants to replace the existing six foot tall front fence with a new one. The applicant wants the new fence to remain six foot tall, with a predominantly open design. The applicant requested approval from the Historic Design and Review Commission on July 05, 2017 and the Commission approved his request for up to a seven foot tall fence.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|--------------|
| "C-3 H UC-4 AHOD" General Commercial Tobin Hill Historic Urban Corridor Overlay Airport Hazard Overlay District | Restaurant |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|-----------------------------|--------------|
|-------------|-----------------------------|--------------|

| | | |
|-------|---|---|
| North | "C-3 H UC-4 AHOD" General Commercial Tobin Hill Historic Urban Corridor Overlay Airport Hazard Overlay District and "MF 33 H UC-4 AHOD" Multi-Family Tobin Hill Historic Urban Corridor Airport Hazard Overlay District | Print Shop, Fourplex, Single-Family Dwelling, Vacant Land |
| South | "C-3 H UC-4 AHOD" General Commercial Tobin Hill Historic Urban Corridor Airport Hazard Overlay District and "R-6 H UC-4 AHOD" Single-Family Tobin Hill Historic Urban Corridor Airport Hazard Overlay District | Office, single-family Dwellings, Church |
| East | "C-1 H UC-4 AHOD" Light Commercial Tobin Hill Historic Urban Corridor Airport Hazard Overlay District and "IDZ UC-4 AHOD" Infill Development Zone Urban Corridor Airport Hazard Overlay District | Single-Family Dwellings, Bar |
| West | "C-3 H UC-4 AHOD" General Commercial Tobin Hill Historic Urban Corridor Airport Hazard Overlay District and "R-6 H UC-4 AHOD" Single-Family Tobin Hill Historic Urban Corridor Airport Hazard Overlay District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Tobin Hill Community Plan and currently designated Low Density Mixed Use in the future land use component of the plan. The subject property is located within the Tobin Hill Neighborhood Association. As such they were notified and asked to comment.

Criteria for Review

According to Section 35-482(h) of the UDC, in order for special exception to be granted, 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 request for a six foot predominantly open fence along the front property line is in harmony with the spirit and purpose of the chapter as the fence is intended to protect the staff and clients and the property owner is replacing an existing six foot tall fence. In addition the Historic Design and Review Commission have approved the proposed design for the six foot front fence.

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

Allowing the property owner to replace his existing six foot fence along the front property line will help to prevent acts of trespass in the future and ensure the safety of staff and clients and will comply with the Historic Design and Review Commission requirements. Therefore, the public welfare and convenience will be substantially served.

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

Granting the requested special exception will not substantially injure the neighboring properties as the fence will be able to protect the subject property from trespass and ensure the safety of employees

and clients. In addition there are similar fences in height within the neighboring district.

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 predominately open six foot fencing along the front site property line would not significantly alter the overall appearance of the district since the applicant is complying with the historic design 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 purpose of the fencing standards is to protect the health, safety, and general welfare of the public. The special exception request is to allow the same height for the fence in order to add security for the staff and clients. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant could follow the guidelines for front fence heights, as described in 35-514 (d).

Staff Recommendation

Staff recommends **APPROVAL** of A-17-193 based on the following findings of fact:

1. The fence will protect the property owner, employee, and clients from crime and trespass; and
2. The fence style will be in keeping with the character of the community; and
3. The fence will comply with the Historic Design and Review Commission requirements.