



City of San Antonio

Agenda Memorandum

File Number:18-6606

Agenda Item Number: 6.

Agenda Date: 12/3/2018

In Control: Board of Adjustment

Case Number: A-18-181
Applicant: Robert A. Herrera
Owner: Robert A. Herrera
Council District: 3
Location: 5000 South Flores Street
Legal: Lot 5, Block 10, NCB 7754
Description:
Zoning: "C-2S MLOD-2 MLR-2 AHOD" Commercial Lackland
Military Lighting Overlay Military Lighting Region 2 Airport
Hazard Overlay District with Specific Use Authorization for
a Bar and/or Tavern Without Cover Charge 3 or more days
per week
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a special exception, as described in Section 35-514, to allow a predominantly open steel fence to be 7' tall in the south side and rear yard.

Executive Summary

The subject property is located at the intersection of South Flores Street and East Edmonds Street. The owner has established a Bar/Tavern on the subject property and is seeking to keep the 7' tall fence for an outdoor area. The subject property is located around multiple services including restaurants, offices, stores, and automotive centers, among other amenities. The predominantly open fence is completely made in steel, and staff observed no exposed edges during the field visit. No portion of the fence is in violation of the Clear Vision area.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

No permit history related to this proposed fence exists on the property. The property owner is seeking a variance to allow for permit to be issued.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|---------------------|
| “C-2 S MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with Specific Use Authorization for a Bar and/or Tavern Without Cover Charge 3 or more days per week | Bar/Tavern |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|--|------------------------|
| North | “C-3 MLOD-2 MLR-2 AHOD” General Commercial District Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Bar |
| South | “C-3NA MLOD-2 MLR-2 AHOD ” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Parking Lot |
| East | “RM-4 MLOD-2 MLR-2 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Single-Family Dwelling |
| West | “MF-33 MLOD-2 MLR-2 AHOD” Multi- Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Apartments/Parking Lot |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the South Central San Antonio Community Plan and currently designated as “Mixed Use” in the future land use component of the plan. The subject property is not located within the boundaries of any neighborhood association.

Street Classification

South Flores Street is classified as a Minor Arterial B.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must

demonstrate all of the following:

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 up to 8'. In this case, the predominantly open fence is built with steel and is not exposed throughout the perimeter of the property. The additional fence height is intended to provide a safe outdoor environment to the bar. If granted, this request would be harmony with the spirit and purpose of the ordinance. No portions of the fences are in violation of the Clear Vision field.

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

In this case, these criteria are represented by maximum fence heights to protect business owners while still promoting a sense of community. The fence height was built along the side and rear yard to provide a safe outdoor space. This is not contrary to the public interest.

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

No portion of the fence is in violation of the Clear Vision field. No adjacent property owner, nor the traveling public, will be harmed by the proposed fence.

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 7' predominately open fence would not significantly alter the overall appearance of the district and would be able to provide an added safe outdoor space for the public.

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 a 7' predominately open fence along the side and rear property line for the subject property. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant would need to adhere to the permitted fence heights as described in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of variance in **A-18-181**, based on the following findings of fact:

1. The fence does not visually hinder the adjacent property's driveway or other motorists view.
2. The fence does not detract from the character of the community.