



# City of San Antonio

## Agenda Memorandum

**File Number:**19-3005

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**Agenda Item Number:** 2.

**Agenda Date:** 4/1/2019

**In Control:** Board of Adjustment

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**Case Number:** BOA-18-900027  
**Applicant:** Austin Highway Business Center Ltd  
**Owner:** Austin Highway Business Center Ltd  
**Council District:** 2  
**Location:** 2735 Austin Highway  
**Legal:** Lot 44, NCB 12167  
**Description:**  
**Zoning:** "C-3 MC-3 AHOD" General Commercial Austin Highway  
Metropolitan Corridor Airport Hazard Overlay District  
**Case Manager:** Mercedes Rivas, Planner

### **Request**

A request for a special exception to allow a predominately open fence, as described in Section 35-514, to be 6' tall along the south and the first 300' of the west property lines.

### **Executive Summary**

The subject property is located at 2735 Austin Highway. The applicant applied for a 6 foot tall predominately open fence within the front yard of the property. The applicant then constructed a chain-link fence along the south and the first 300' of the west property lines. However, the property is within the Austin Highway Metropolitan Corridor Overlay District which includes standards related to the types of fencing permitted within the overlay district. Chain link fences along with fences clad with wooden rails, concrete or cedar pickets are prohibited by MC-3 design standards. Permissible fencing materials include brick, rock, stucco or ornamental iron. If approved for the 6 foot fence, the applicant will be required to modify the chain link material to a material that is permitted.

### **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**

<b>Existing Zoning</b>	<b>Existing Use</b>
"C-3 MC-3 AHOD" General Commercial Austin Highway Metropolitan Corridor Airport Hazard Overlay District	Single-Family Home

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"C-3 MC-3 AHOD" General Commercial Austin Highway Metropolitan Corridor Airport Hazard Overlay District	Single-Family Home
South	"I-1 MC-3 AHOD" General Commercial Austin Highway Metropolitan Corridor Airport Hazard Overlay District	Single-Family Home
East	"I-1 MC-3 AHOD" General Commercial Austin Highway Metropolitan Corridor Airport Hazard Overlay District	Single-Family Home
West	"C-3 MC-3 AHOD" General Commercial Austin Highway Metropolitan Corridor Airport Hazard Overlay District	Single-Family Home

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not within the boundaries of a Neighborhood or Community Plan. The subject property is not located within a Neighborhood Association.

### **Street Classification**

Austin Highway is classified as a State Highway.

### **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 UDC states the Board of Adjustment can grant a special exception for a fence height modification up to 8'. The additional fence height is intended to provide protection and security to the applicant's property. If granted, this request would be in 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 residential property owners while still promoting a sense of community. The fence height was built along the south and the first 300' of the west property lines in order to provide additional security and protection for the property. 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 6' fence along the south and the first 300' of the west property lines would not significantly alter the overall appearance of the district and would be able to provide added security and protection for the property owner.**

*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 6' fence in order to add security and protection 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 **BOA-19-10300027**, based on the following findings of fact:

1. The fence will provide additional privacy and security to the subject property.