



# City of San Antonio

## Agenda Memorandum

**File Number:**19-6904

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**Agenda Item Number:** 5.

**Agenda Date:** 9/16/2019

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300100

Applicant: Chris Madrid's

Owner: Chris Madrid's

Council District: 1

Location: 1900 Blanco Road

Legal Lot 41, Block 3, NCB 6402

Description:

Zoning: "C-2 NCD-5 AHOD" Commercial Beacon Hill  
Neighborhood Conservation Airport Hazard Overlay District

Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for special exception, as described in Section 35-514, for an 8' tall privacy fence along the north and east property lines.

### **Executive Summary**

The subject property is located at the intersection of Blanco Road and West Hollywood Avenue. The applicant is rebuilding a restaurant and has voluntarily agreed with the neighbors to install if allowed a double-sided and insulated 8' wooden fence along portions of the northern and eastern property lines to better screen noise and light from the restaurant operations, especially as it would relate to an outdoor patio seating and related activities.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

The applicant is waiting for the special exception to be approved to obtain a fence permit.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-2 NCD-5 AHOD” Commercial Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Under Construction for a Restaurant

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 NA NCD-5 AHOD” Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Parking Lot
South	“C-2 NCD-5 AHOD” Commercial Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Food Trucks
East	“R-6 NCD-5 AHOD” Residential-Single Family Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Single-Family Home
West	“C-2 NCD-5 AHOD” Commercial Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Gas Station, Restaurant

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of a Midtown Neighborhood Plan and is currently designated “Mixed Use” in the future land use component of the plan. The subject property is located within the boundaries of a Beacon Hill Neighborhood Association. As such they were notified and asked to comment.

### Street Classification

Blanco Road is classified as an Arterial B Street.

### Criteria for Review

According to Section 35-374.01 of the UDC, in order for a special exception 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’. The additional fence height is intended to screen noise and provide a more private the residents. If granted, this 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 maximum fence heights to protect residential property owners while still promoting a sense of community. The fence height will be built along the north and**

**east property lines screening noise and providing privacy for the residents. This is not contrary to the public interest.**

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

**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 8' fence along the north and east property lines would not significantly alter the overall appearance of the district and would screen noise and provide added privacy for outdoor patio uses.**

*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 an 8' fence along the north and east property lines in order to screen noise and provide privacy for the residents. 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 the variance in **BOA-19-10300100**, based on the following findings of fact:

1. The applicant states they have voluntarily agreed with the neighbors to install a double-sided and insulated 8' wooden fence necessary to screen noise and provide privacy for the residents, and;
2. The fence does not visually hinder the adjacent property's driveway or other motorists view.