



City of San Antonio

Agenda Memorandum

Agenda Date: September 23, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300171

APPLICANT: American GI Forum-National Veterans Outreach Program

OWNER: American GI Forum-National Veterans Outreach Program

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 801 North Main Avenue

LEGAL DESCRIPTION: Lot 17, Block 7, NCB 787

ZONING: "D AHOD" Downtown Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

1) A 2' special exemption from the maximum 5' front fence height to allow a 7' predominately open front yard fence.
Section 35-514)

2) A 7' clear vision variance from the minimum 15' clear vision to allow an 8' driveway clear vision.
Section 35-514

Executive Summary

The subject property is located approximately 30' from Interstate 35 South, along the North Main Avenue and west Quincy Street intersection. The applicant, on behalf of the property owner, is requesting a 2' fence height exception along with a 7' clear vision variance to allow a proposed 7' predominately open front yard fence and rolling access gate to be 8' from the front the property

line. The proposed fence will match the existing fence on the property owner's adjacent property and will be utilized in support of the property's future development for American GI Forum Veteran Dormitories. Permits are pending Board of Adjustment approval.

Code Enforcement History

No Code Enforcement history found.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property is a part of the original 36 miles of the City of San Antonio and was zoned "J" Commercial District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the zoning converted to "I-1" General Industrial District. The property was rezoned by Ordinance 97651 dated, May 22, 2003, from "I-1" General Industrial District to "D" Downtown District.

Subject Property Zoning/Land Use

Existing Zoning

"D AHOD" Downtown Airport Hazard Overlay District

Existing Use

Commercial Parking Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"D AHOD" Downtown Airport Hazard Overlay District

Existing Use

Vacant Land

South

Existing Zoning

"D AHOD" Downtown Airport Hazard Overlay District

Existing Use

Bank

East

Existing Zoning

"D AHOD" Downtown Airport Hazard Overlay District

Existing Use

Church Exempt/Parking

West

Existing Zoning

"D AHOD" Downtown Airport Hazard Overlay District

Existing Use

Office

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Area Regional Center and designated as “Residential Mixed use” in the future land use component of the plan. The subject property is located within the boundaries of the Downtown Neighborhood Association, Tobin Hill Community Neighborhood Association, San Antonio Texas District One Resident Association, and all have been notified.

Street Classification

North Main Avenue is classified as a Secondary Arterial Type B 70’ – 86’.

West Quincy Avenue is classified as a Primary Arterial Type A 120’.

Interstate 35 South is classified as a Super Arterial Type B 200’-250’.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) 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. The fence height being requested is for a predominately open fence for the front of the yard of a Downtown zoned lot. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the request is limited to the front yard on exceeds the maximum height requirements for a predominately open fence by 2-feet.

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

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The proposed fence appears to serve the public welfare and convenience, as the additional fence height will add additional security to the subject property and will match the aesthetic and height of the fence along abutting lot.

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

The fence special exception appears to create enhanced security and privacy for the subject and adjacent properties being within 2-feet of the Unified Development Code fence guidelines.

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 fence height does not appear to alter the essential character of the district and location for which the special exception is sought, as the downtown area offers a wide variety of uses.

E. The special exception will not weaken the general purpose of the district, or the regulations herein established for the specific district.

The requested special exception will not weaken the general purpose of the district as it is within 2-feet of the permitted height and will increase security of the subject property.

Criteria for Review – Driveway Clear Vision Variance

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:

1. The variance is not contrary to the public interest.

The public interest is defined as the general health, safety, and welfare of the public. The applicant is also requesting a clear vision variance to allow a fence to be 8' from the front setback. Staff finds that this request will not be contrary to the public interest as leaves adequate clear vision space for street access.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the ordinance would result in unnecessary hardship as the entire fence would have to be reconfigured to abide by the driveway clear vision.

3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The applicant is requesting this variance prior to construction and the clear vision of 8' leaves sufficient room onto street access and will observe the spirit of the ordinance.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

The clear vision variance distance will be 8' from the curb. This distance of the fence is not likely to alter the essential character of the district as the fence design will match the fence along the abutting property and will not hinder flow of traffic.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

The driveway clear vision variance is due to unique circumstances that were not created by the property owner such as the location of the property and surrounding area.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Height and Clear Vision Regulations of Section 35-514 of the Unified Development Code.

Staff Recommendation – Driveway Clear Vision Variance

Staff recommends **Approval** in BOA-24-10300171 based on the following findings of fact:

1. Vehicular traffic will not be obstructed with the reduced clear vision.
2. The reduced clear vision will not alter the essential character of the district.

Staff Recommendation – Fence Height Special Exemption

Staff recommends **Approval** in BOA-24-10300171 based on the following findings of fact:

1. The proposed fence height would not alter the essential character of the district.
2. The additional fence height will add additional security to the subject property and,
3. Will match the aesthetic and height of the fence along abutting lot.