



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 6, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300055

**APPLICANT:** Jamail & Smith Construction

**OWNER:** University Health

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 701 South Zarzamora Street

**LEGAL DESCRIPTION:** Lot 20, Block 4, NCB 6904

**ZONING:** "C-2 S MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for a Hospital

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 1' special exception from the maximum 5' height to allow a 6' predominantly open fence in the front yard.

Section 35-514.

**Executive Summary**

The subject property is located along South Zarzamora Street, north of Guadalupe Street. The applicant has already constructed 6' predominantly open fencing in the rear and side yards of the property spanning the frontages of San Luis Street, Elmendorf Street, and El Paso Street, as allowed by code. The applicant is seeking to continue the same 6' predominately open fence in the property's front yard along South Zarzamora Street. The Unified Development Code allows for a 5' predominantly open fence in the front yard for commercial uses. The applicant is seeking a 1'

special exception to construct a 6' predominately open fence in the front yard. The front yard fence will be approximately 21' from the South Zarzamora Street curb.

**Code Enforcement History**

No relevant code enforcement history for the subject property.

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and originally zoned "C" Apartment District, "G" Local Retail District and "J" Commercial District. The property was rezoned by Ordinance 75,720, dated April 30, 1992, to "B-2CC" Business District with City Council Approval for a Hospital. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2CC" Business District with City Council Approval for a Hospital converted to "C-2 S" Commercial District with a Specific Use Authorization for a Hospital.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"C-2 S MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with a Specific Use Authorization for a Hospital

**Existing Use**

Hospital

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

"R-2 MLOD-2 MLR-2 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District, "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District, and "C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwellings and Commercial Use

**South**

**Existing Zoning**

"R-2 MLOD-2 MLR-2 AHOD" Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and "R-4, and R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwellings and Commercial Retail

**East**

**Existing Zoning**

“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and “C-3NA MLOD-2 MLR-2 AHOD” General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Various Commercial and Office Uses

**West**

**Existing Zoning**

“R-1, R-2, and R-3 MLOD-2 MLR-2 AHOD” Single-Family Residential Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District and “R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwellings

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Guadalupe/Westside Community Plan and is designated as “Mixed Use” in the future land use component of the plan. The subject property is located within the boundary of the Prospect Hill and Historic Westside Residents Neighborhood Associations, and they have been notified of the request.

**Street Classification**

South Zarzamora Street is classified as a Primary Arterial Type B.

**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. If granted the special exception is not contrary to the spirit and purpose of the chapter as 1-foot is the minimum height needed to afford the property owner relief.

*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 will add to the protection of the property and add to the sense of security in the area.

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

The proposed predominantly open fence would be along South Zarzamora Street and would not injure neighboring properties as the fence does not obstruct the line of sight for oncoming vehicles.

*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.*

Upon inspection of the district and location, the fence at its proposed design will not alter the essential characteristics 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*

If granted, the special exception will not alter the general purpose of the district, or the regulations herein established for the specific district. The proposed fence exceeds the height regulations by 1-foot and will enhance the security of the property.

#### **Alternative to Applicant's Request**

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

#### **Staff Recommendation – Fence Height Special Exception**

Staff recommends Approval in BOA-24-10300055 based on the following findings of fact:

1. The proposed height will add security to the property and surrounding area; and,
2. The special exception will not alter the essential character of the neighborhood.