



City of San Antonio

Agenda Memorandum

Agenda Date: July 15, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300112

APPLICANT: SAMMinistries

OWNER: SAMMinistries

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 318 West Cesar E Chavez Boulevard

LEGAL DESCRIPTION: Lot 1, NCB 13421

ZONING: "D HS AHOD" Downtown Historic Significant Airport Hazard Overlay District

CASE MANAGER: Colton Unden, Planner

A request for

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

Section 35-514(c)(1)

Executive Summary

The subject property is located along West Cesar E Chavez Boulevard, west of South Santa Rosa Avenue, located within the Downtown Neighborhood Association. The applicant requested 6' fencing in the front yard. The property is used as supportive housing by SAMMinistries. The Office of Historic Preservation (OHP) has stated this property is located within the Downtown Design Overlay and that fencing does not require a Certificate of Appropriateness from their office.

Code Enforcement History

No relevant code enforcement history.

Permit History

COM-FEN-PMT24-40600032 – Commercial Fence Permit – Pending Fees (02/20/2024)

The issuance of further build permits is pending Board of Adjustment outcome.

Zoning History

The subject property was a part of the original 36 square miles of the City of San Antonio and originally zoned “K” Commercial District. The property was rezoned by Ordinance 74,924, dated December 9, 1991, to “B-4” Central Area District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-4” Central Area District converted to “D” Downtown District.

Subject Property Zoning/Land Use

Existing Zoning

“D HS AHOD” Downtown Historic Significant Airport Hazard Overlay District

Existing Use

Hotel

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“C-2 AHOD” Commercial Airport Hazard Overlay District

Existing Use

SAPD Public Safety Headquarters

South

Existing Zoning

“D AHOD” Downtown Airport Hazard Overlay District

Existing Use

Church

East

Existing Zoning

“D RIO-7C AHOD” Downtown River Improvement Overlay 7C Airport Hazard Overlay District

Existing Use

Hotel

West

Existing Zoning

“D AHOD” Downtown Airport Hazard Overlay District

Existing Use

Child Care Facility

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Downtown Area Regional Center Plan and is designated as “Regional Mixed Used” in the future land use component of the plan. The subject property is located within

the Downtown Neighborhood Association and the San Antonio Texas District One Resident Association Community Organization, and they have been notified of the request.

Street Classification

West Cesar E. Chavez Boulevard is classified as a Primary Arterial Type B.

South Santa Rosa Avenue is classified as a Primary Arterial Type A.

Urban Loop is classified as a Local Street.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, 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 a 6’ predominately open fence for the front yard. 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 1-foot.

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 fence does appear to serve the public welfare and convenience, as the additional fence height will add addition security to the subject property.

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 1-foot 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 1-foot of the permitted height and will increase security of the subject 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-24-10300112 based on the following findings of fact:

1. The special exception is within 1-foot of the permitted fence height and will add additional security for the subject property.
2. 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.