



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 10, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300023

**APPLICANT:** Chad Respondek

**OWNER:** ABISO BABCOCK LP

**COUNCIL DISTRICT IMPACTED:** District 8

**LOCATION:** 7330 North 1604 West

**LEGAL DESCRIPTION:** Lot 8, Block 1, NCB 14865

**ZONING:** "C-3 UC-1 MLOD-1 MLR-2 AHOD ERZD" General Commercial IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 2' variance from the maximum 8' fence height to allow a 10' commercial privacy fence along the south property line.

Section 35-514

**Executive Summary**

Subject property is located within the UTSA Area, along the corner intersection of North Loop 1604 West and Babcock Road. The subject property is developing an H-E-B grocery store on the lot. The applicant, on behalf of the property owner, is proposing construction of a 10' privacy fence along the southern portion of the property. According to the applicant, the fence height was an agreement between the abutting neighborhood homeowner association and commercial

developers that would help provide separation and privacy between the commercial and abutting residential properties. Permits are pending the outcome of the Board of Adjustment.

### **Code Enforcement History**

No Code Enforcement history found.

### **Permit History**

COM-PRJ-APP25-39800192- Commercial Project Application  
COM-PRJ-APP24-39802318 - Commercial Project Application  
COM-BLG-PMT24-40200391- Commercial New Building Permit  
COM-PRJ-APP23-39802572 - Commercial Project Application  
COM-PRJ-APP24-39800220 - Commercial Project Application  
COM-SIT-PMT24-40100278 - Commercial Sitework Permit  
COM-SIT-PMT24-40100097 - Commercial Sitework Permit

### **Zoning History**

Subject property was annexed into the City of San Antonio by Ordinance 39197 dated, February 24, 1971, and zoned Temporary “R-1” Single-Family Residential District. The property was rezoned by Ordinance 44027 dated, July 11, 1974, to “B-3” Business District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “B-3” Business District to “C-3” General Commercial District.

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

#### **Existing Zoning**

“C-3 UC-1 MLOD-1 MLR-2 AHOD ERZD” General Commercial IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District

#### **Existing Use**

Commercial (under construction)

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

#### **North**

#### **Existing Zoning**

“UZROW UC-1 MLOD-1 MLR-2 AHOD ERZD” Unzoned Right-of-Way IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District

#### **Existing Use**

North Loop 1604 West /Super Arterial Type B

#### **South**

#### **Existing Zoning**

“R-6 UC-1 MLOD-1 MLR-2 AHOD ERZD” Residential Single-Family IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District

#### **Existing Use**

## Single-Family Residential Neighborhood

### **East**

#### **Existing Zoning**

“C-3 UC-1 MLOD-1 MLR-2 AHOD ERZD” General Commercial IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District

#### **Existing Use**

Vacant Land

### **West**

#### **Existing Zoning**

“C-3 UC-1 MLOD-1 MLR-2 AHOD ERZD” General Commercial IH-10/FM 1604 Urban Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay Edwards Recharge Zone District

#### **Existing Use**

Vacant Land

Hybrid Mini-Warehouse

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

The subject property is in the UTSA Area Regional Center Plan and is designated as “Urban Mixed-Use” in the future land use component of the plan. The subject property is located within the notification area of the Cedar Point Homeowner Association, and the RiotCommons Community Organization, they have been notified of the request.

### **Street Classification**

North Loop 1604 West is classified as a Super Arterial Type B

Babcock Road is classified as a Secondary Arterial Type A

### **Criteria for Review – Fence Height 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. In this case, the public interest is represented by the maximum fence height for the rear property lines. The requested variance is not contrary to the public interest as it is abutting the rear lot lines of residential lots and the fence would provide a barrier to enhance public safety, and privacy between property lines.

*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 reduced sound and visual barriers for the residential lots.

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

The requested variance will allow a higher rear privacy fence, which will observe the spirit of the ordinance that promotes separation and privacy between commercial and residential lots.

*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.*

Staff finds the additional fence height will not substantially injure the appropriate use of the adjacent conforming properties or alter the essential character of the district. The variance will promote the use of the adjacent properties and the essential character of the district by providing additional barriers between the commercial use and the residential properties.

*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.*

Staff finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, such as abutting established residential uses.

#### **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 Variance**

Staff recommends Approval in BOA-25-10300023 based on the following findings of fact:

1. The variance will not alter the essential character of the district and would provide a secure barrier to enhance public safety, and privacy between property lines
2. The fence height will not substantially injure the appropriate use of the adjacent conforming properties within the surrounding area.