



# 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-24-10300058

**APPLICANT:** Chrysalis Ministries

**OWNER:** Chrysalis Ministries

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 509 San Pedro Avenue

**LEGAL DESCRIPTION:** Lot 3, the south 12 feet of west 145.72 of Lot 4, and the north 52.78 feet of the west 64.68 of the east 70 feet of Lot 2, Block 9, NCB 763 (BCAD 108649), West 83 feet of the north 53.34 feet of lot 12, Block 9, NCB 763 (BCAD 108648), West irregular 142.67 feet of Lot 1 and the west irregular 142.67 feet of the south 3 feet of Lot 2, Block 9, NCB 763 (BCAD 108646)

**ZONING:** "C-2P UC-6 AHOD" Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District

**CASE MANAGER:** Colton Uden, 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 San Pedro Avenue, South of West Poplar Street. The applicant is requesting a special exemption from fence height regulations before the construction of a fence in the front yard. The applicant is seeking a 6' predominately open fence in the property's

front yard located along San Pedro Avenue at the intersection of Marshall Street and San Pedro Avenue. The Unified Development Code allows for a 5' predominantly open fence in the front yard for commercial uses.

### **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 zoned "J" Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "J" Commercial District converted to "I-1" General Industrial District. The property was rezoned by Ordinance 97522, dated April 24, 2003, to the current "C-2P" Commercial Pedestrian District.

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

#### **Existing Zoning**

"C-2P UC-6 AHOD" Commercial Pedestrian San Pedro Urban Corridor Airport Hazard Overlay District

#### **Existing Use**

Church

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

#### **North**

#### **Existing Zoning**

"IDZ-1 UC-6 AHOD" Limited Intensity Infill Development Zone San Pedro Urban Corridor Airport Hazard Overlay District with uses permitted in C-1 as well as Bar, Microbrewery, and Mobile Food Court

#### **Existing Use**

Transitional / Vacant Lot

#### **South**

#### **Existing Zoning**

"IDZ-3 UC-6 AHOD" High Intensity Infill Development Zone San Pedro Urban Corridor Airport Hazard Overlay District with uses permitted for Supportive Housing Campus use

#### **Existing Use**

Transitional / Vacant Lot

#### **East**

#### **Existing Zoning**

"C-1 UC-6 AHOD" Light Commercial San Pedro Urban Corridor Airport Hazard Overlay District

#### **Existing Use**

Medical Office

**West**

**Existing Zoning**

“MF-50 UC-6 AHOD” Multi-Family San Pedro Urban Corridor Airport Hazard Overlay District

**Existing Use**

Apartments

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Midtown Area Regional Center and is designated as “Urban Mixed Use” in the future land use component of the plan. The subject property is located within 200’ of the boundary of the Tobin Hill Community Neighborhood Association, and they have been notified of the request.

**Street Classification**

San Pedro Avenue 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 it will not be contrary to the spirit and purpose of the Chapter. The 1-foot predominantly open fence is the minimum need to afford relief to the property owner.

*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 a sense of security to the area.

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

The proposed predominantly open fence would be along San Pedro Avenue 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 height and 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-24-10300058 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.