



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 22, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300038

**APPLICANT:** LiftFund Inc.

**OWNER:** LiftFund Inc.

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 2007 West Martin Street

**LEGAL DESCRIPTION:** Lot 18, Block 7, NCB 2228

**ZONING:** "C-2 AHOD" Commercial Airport Hazard Overlay District

**CASE MANAGER:** Mirko Maravi, Principal Planner

**A request for**

1) A request for a 1' special exception from the maximum 5' fence height to allow 6' predominantly open fence in the front yard. (UDC Section 35-514)

**Executive Summary**

The subject property is located along West Martin Street, west of the Interstate-10 located and west of downtown San Antonio. The proposed predominantly open fence would be located along the southern portion of the property adjacent to the property line along West Martin Street. Upon staff site visits no other similar fences were observed in the area, however there were side yard fences at 6' orientated in the same direction as the requested 6' front yard fence.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

COM-PRJ-APP24-39800351 Commercial Project Application 2/14/2024.

COM-FEN-PMT24-40600035 Commercial Fence Permit 02/23/2024.

**Zoning History**

The property was within the original 36 square miles of San Antonio and zoned “C” Apartment District and “J” Commercial District. A portion of the property was rezoned by Ordinance 47395 on November 18, 1976, from “C” Apartment District to “B-1” Business District and “B-3” Business District. A small portion was rezoned by Ordinance 48613, dated October 20, 1977, from “B-1” Business District to “B-3” Business District. The remaining “C” Apartment District was rezoned by Ordinance 82196, dated May 11, 1995, to the “O-1” Office District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-1” Business District, “B-3” Business District, “O-1” Office District and “J” Commercial District converted to the “C-1” Light Commercial District, “C-3” General Commercial District, “O-2” High-Rise Office District and “I-1” General Industrial District. The property was rezoned by Ordinance 2011-04-07-0291, dated April 7, 2011, to the current “C-2” Commercial District.

**Subject Property Zoning/Land Use****Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

**Existing Use**

Single Family Dwelling

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

“NC AHOD” Neighborhood Commercial Airport Hazard Overlay District

**Existing Use**

School

**South****Existing Zoning**

ROW

**Existing Use**

Alazan Creek

**East****Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District.

“R-6 CD AHOD” Residential Single-Family Airport Hazard Overlay District with a Conditional Use for (2) Dwelling Units

**Existing Use**

Commercial Auto Repair, Vehicle parking

**West****Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District  
“I-1 AHOD” General Industrial Airport Hazard Overlay District

**Existing Use**

Single Family Dwelling.

Contracting Commercial building, vacant commercial building.

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within a future land use component of a plan. The subject property is located within the boundary of a registered Gardendale, West End Hope in Action and Prospect Hill Neighborhood Associations, and they were notified of this request.

**Street Classification**

West Martin, Morales, North Las Moras and North San Jacinto Streets are classified as Local Roads.

**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 will be in harmony with the spirit and purpose of the chapter as it exceeds the maximum height limitations for predominantly open fences 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 proposed fence will add to the protection of the property and the community.

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

The proposed predominantly open fence would be along West Martin 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 as similar fences exist along West Martin Street.

*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 Maximum Height of the UDC Section 35-514.

**Staff Recommendation – Fence Height Special Exemptions**

Staff recommends Approval in BOA-24-10300038 based on the following findings of fact:

1. Similar fences were found along West Martin Street; and
2. The proposed height will add security to the property and surrounding area.