

Case Number:	BOA-23-10300299
Applicant:	Mark Taylor
Owner:	Dominion Motor Club LLC
Council District:	8
Location:	7231 Stonewall Bend
Legal Description:	Lot 30, Block 5, NCB 18338
Zoning:	"C-3 GC-1 UC-1 MSAO-1 MLOD-1 MLR-1" General Commercial Hill Country Gateway Corridor IH-10/ FM 1604 Urban Corridor Military Sound Attenuation Overlay 1 Camp Bullis Military Lighting Overlay 1 Military Lighting Region 1 District
Case Manager:	Joseph Leos, Planner

### **Request**

A request for 1) a 5' special exception from the maximum 3' fence height, as described in Section 35-514, to allow an 8' solid screened fence in the front yard, and 2) a 2' special exception from the maximum 5' fence height requirement, as described in Section 35-514, to allow a 7' predominately open fence in the front yard.

### **Executive Summary**

The subject property is located in the northwest intersection of IH-10 West and Stonewall Bend. The proposed use are garages with sitting areas and a clubhouse. The applicant is proposing a portion of the front yard to have an 8' privacy fence and another portion to have a 7' open fence.

### **Code Enforcement History**

There is no code history for the subject property.

### **Permit History**

The issuance of a fence permit is pending the outcome of the Board of Adjustment.  
Commercial Street Improvement Permit (COM-STR-PMT23-41300045)- June 2023

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 92903, dated December 13, 2000, and zoned Temporary "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to "R-6" Residential Single-Family District. The property was then rezoned by Ordinance 100952 dated May 26, 2005, to the current "C-3" General Commercial District.

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

Existing Zoning	Existing Use
"C-3 GC-1 UC-1 MSAO-1 MLOD-1 MLR-1" General Commercial Hill Country Gateway Corridor IH-10/ FM 1604 Urban Corridor Military Sound Attenuation Overlay 1 Camp Bullis Military Lighting Overlay 1 Military Lighting Region 1 District	Vacant Commercial

## **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"C-3 GC-1 UC-1 MSAO-1 MLOD-1 MLR-1" General Commercial Hill Country Gateway Corridor IH-10/ FM 1604 Urban Corridor Military Sound Attenuation Overlay 1 Camp Bullis Military Lighting Overlay 1 Military Lighting Region 1 District	Vacant Commercial
South	"C-3 GC-1 UC-1 MSAO-1 MLOD-1 MLR-1" General Commercial Hill Country Gateway Corridor IH-10/ FM 1604 Urban Corridor Military Sound Attenuation Overlay 1 Camp Bullis Military Lighting Overlay 1 Military Lighting Region 1 District	Vacant Commercial
East	UZROW	Interstate Highway 10
West	"PUD R-6 GC-1 UC-1 MSAO-1 MLOD-1 MLR-1" Planned Unit Development Residential Single-Family Hill Country Gateway Corridor IH-10/ FM 1604 Urban Corridor Military Sound Attenuation Overlay 1 Camp Bullis Military Lighting Overlay 1 Military Lighting Region 1 District	Single-Family Residential

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

The subject property is in the North Sector Plan and is designated as "Natural Tier" in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

## **Street Classification**

Stonewall Bend is classified as a local road.

## **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. The additional fence height is intended to provide safety and security of the applicant's property. If granted, the request will be in harmony with the spirit and purpose of the chapter.**

*B. The public welfare and convenience will be substantially served.*

**In this case, these criteria are represented by fence heights to protect commercial property owners while still promoting a sense of community. The additional fence height will provide security and privacy for the subject and adjacent properties. This is not contrary to the public interest.**

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

**The fence will create enhanced security and privacy for the subject and adjacent properties. Furthermore, the fencing provides a suitable separation from the adjacent uses and zoning districts.**

*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 of the subject property does not appear to alter the location for which the special exception is sought, as the abutting base zoning districts are commercially and residentially zoned. Additionally, the property is zoned for more intense commercial uses so allowing additional fence height would be beneficial to surrounding residential properties.**

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district*

**The property is located within the “C-3” Commercial District and permits the current use. The requested special exception will not weaken the general purpose of the district.**

#### **Alternative to Applicant’s Request**

The alternative to the applicant’s request is to conform to Fence Heights of the UDC Section 35-514.

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

Staff recommends **Approval** of **BOA-23-10300299** based on the following findings of fact:

1. The additional fence height is intended to provide safety and security of the applicant’s property; and
2. The request is located off of a major highway and does not appear to be out of character in the immediate area.