

Case Number:	BOA-22-10300032
Applicant:	Renata Costanzo
Owner:	Masion On Howard, LLC
Council District:	1
Location:	421 Howard Street
Legal Description:	Lot 15, Block 10, NCB 372
Zoning:	“C-2 AHOD” Commercial Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

### **Request**

A request for a 2’ special exception from the maximum 6’ fence height requirement, as described in section 35-514, to allow an 8’ tall solid screened fence along the side and rear yard.

### **Executive Summary**

The subject property is located on the corner of Howard Street and West Cypress Street. There is currently a large residential structure serving as a bed and breakfast on the property. Upon the site visit conducted by staff, it was observed that an existing 8’ fence was replaced prior to obtaining a building permit. Currently part of the 8’ fence encloses a dumpster, and the applicant is proposing to reduce the height of the fence along this portion due to the clear vision obstruction for the driveway created by the 8’ fence. West Cypress Street is classified as a Secondary Type B Arterial, so the 8’ fence is permitted by right along the side property line. The special exception is specifically being sought along the rear property line and the portion of the side yard fence facing Howard Street.

### **Code Enforcement History**

February 2022- Work without permit violation issued for new fence.

### **Permit History**

December 2021-Foundation Repair  
December 2021-Minor Building Repair  
November 2021-Minor Building Repair  
November 2021-Re-Roof  
October 2021-Minor Commercial Repair  
March 2021-Commerical Fence

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “E” Office District. The property was rezoned by Ordinance 56843, dated April 14, 1983, from “E” Office District to “B-2” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-2” Business District converted to the current “C-2” Commercial District.

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

Existing Zoning	Existing Use
“C-2 AHOD” Commercial Airport Hazzard Overlay District	Bed and Breakfast

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-1 AHOD” Light Commercial Airport Hazard Overlay District	Commercial Uses
South	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Commercial and Residential Uses
East	“C-2 UC-5 AHOD” Commercial Main Avenue/McCollough Avenue Urban Corridor Airport Hazard Overlay District	Parking Lot
West	“C-2NA AHOD” Commercial Non-Alcoholic Airport Hazard Overlay District	Medical Clinic

### Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Midtown Regional Center Area Plan and is designated as “Regional Mixed Use” within the future land use component of the plan. The subject property is located within the Tobin Hill Neighborhood Association, and they were notified of the case.

### Street Classification

Howard Street is classified as a local road.

West Cypress Street is classified as a Secondary Arterial Type B.

### Criteria for Review – Side and Rear Fence Height

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

*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 was observed upon the site visit and, if granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance.**

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

**In this case, these criteria are represented by fence heights to protect commercial property while still promoting a sense of community. An 8’ tall fence along the side and rear portion of the yard does not pose any adverse effects to the public welfare. The subject property has a bed and breakfast and is abutting a medical district, so the 8’ fence appears to substantially serve the public.**

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

**The fence will create enhanced privacy for the subject property on the side and rear yard and is unlikely to substantially injure any neighboring properties.**

*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 height for the side and rear yard fencing will not alter the essential character of the district. The proposed fence was existing prior and is simply a replacement. The request for additional fence height is to maintain additional privacy.**

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

**The current zoning permits the current use of a bed and breakfast. 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 the Fence Height Requirements of the UDC Section 35-514.

#### **Staff Recommendation – Side and Rear Yard Fence Special Exception**

Staff recommends **APPROVAL** in **BOA-22-10300032** based on the following findings of fact:

1. The additional two feet in height will provide additional safety and security to the property; and
2. This fence replacement is for an existing 8' fence that was in place prior; and
3. The request does not appear to alter the essential character of the district.