

Case Number:	BOA-22-10300034
Applicant:	Jennifer Higgins
Owner:	Nexus Real Estate Holdings, LLC.
Council District:	1
Location:	227 Lewis St.
Legal Description:	Lot 17, Block 11, NCB 368
Zoning:	"C-1 AHOD" Light Commercial District Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planer

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' fence along the side and rear property lines.

Executive Summary

The subject property is located on the corner of Lewis Street and West Cypress Street. The subject property is currently a Nexus Neurorecovery Center. The applicant is requesting to keep an installed 8' privacy fence along the rear and side property lines.

Code Enforcement History

February 2022 – Building without a permit

Permit History

Commercial Building Permits have been pulled for the subject property. A Fence Permit is pending the outcome of the BOA Meeting.

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 8331, dated December 14, 1995, to "B-1" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-1" Business District converted to the current "C-1" Light Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-1 AHOD" Airport Hazard Overlay District	Group Care Home

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"IDZ AHOD" Airport Hazard Overlay District	Single Family Dwellings
South	"C-1 AHOD" Airport Hazard Overlay District	Commercial Uses
East	"C-1 AHOD" Airport Hazard Overlay District	Commercial Uses
West	"MF-33 AHOD" Airport Hazard Overlay District	Apartments

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Midtown Regional Center Area Plan and is designated Regional Mixed Use in the land use component of the plan. The subject property is located within the boundaries of the Tobin Hill Community Association and they were notified of the case.

Street Classification

Lewis 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 solid screened fence along the side and rear portion of the yard does not pose any adverse effects to the public welfare.

- 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 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 and 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-22-10300034** based on the following findings of fact:

1. The additional two feet in height will provide additional safety and security to the commercial property; and
2. The request does not appear to alter the essential character of the district.