

Case Number:	BOA-22-10300178
Applicant:	Vickie Willaughby
Owner:	Vickie Willaughby
Council District:	5
Location:	415 South General McMullen and 411 South General McMullen
Legal Description:	411: Lot W 64.5 ft of 37 & 38, Block 31, NCB 8654 415: Lot W 64.5 Ft of 33, 34, 35, & 36, Block 31, NCB 8654
Zoning:	“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

Request

A request for a 1) 2' special exception from the maximum 6' fence height as described in Section 35-514, to allow a predominantly open fence to be 8' along the side and rear property line, a 2) 3' special exception from the maximum 5' fence height as described in Section 35-514, to allow a predominantly open fence to 8' along the front property line.

Executive Summary

The subject properties are located along South General McMullen Road in the southwest part of San Antonio. 411 South General McMullen Road contains a commercial establishment, and 415 South General McMullen Road contains a single-family dwelling. The applicant is requesting a special exception to allow an 8' predominantly open fence to be constructed along the side, rear, and front property lines for both properties. The maximum height permitted for a rear and side fence is 6' and 5' for the front fence. Staff did not observe any abnormal physical features such as a slope on the property.

Code Enforcement History

July 2022- Building Investigation

Permit History.

February 2022- MEP Trade Permits Application

February 2022- Electrical General Permit

May 2022- MEP Trade Permits Application

May 2022- Electrical General Permit

The issuance of a building permit for the fence is pending the outcome from the Board of Adjustments.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1258, dated August 2, 1944 and originally zoned “JJ” Commercial District. The property rezoned under Ordinance 72510, dated October 18, 1990, from “JJ” Commercial District to “B-3” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B-3” Business District converted to the current “C-3” General Commercial District

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Commercial and Residential Structure

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 R MLOD-2 MLR-2 AHOD” General Commercial Restrictive Alcoholics Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot
South	“C-3 MLOD-2 MLR-2 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	“C-3 R MLOD-2 MLR-2 AHOD” General Commercial Restrictive Alcoholics Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Commercial
West	“R-4 MLOD-2 MLR-2 AHOD” Residential Single- Family Lackland Military Lighting Overlay 2 Military Lighting Region 2 District.	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West Sector Plan and is designated “General Urban Tier” in the future land use component of the plan. The subject property is located within the boundary of the Las Palmas Neighborhood Association and they have been notified of the request.

Street Classification

South General McMullen is classified as a Primary Arterial Type A.

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 proposed fence being requested is predominantly open, located along the front, side, and rear property lines and does not exceed 8’ in height. 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 owners while still promoting a sense of community. The proposed fence be requested will be located along the front, side, and rear property lines and is exceeding the maximum height requirement by 2' and 3'. The fence is predominantly open which still serves the public welfare and convenience.

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

The fence will create enhanced security and privacy for the subject properties 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 fence height in the front, side, and rear yards of the subject properties does not appear to alter the essential character of the district. Predominantly open fences bordering South General McMullen Road can be found in the surrounding area, including properties adjacent to the subject property thus it is highly unlikely that the request will alter the essential character 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.

The current zoning permits high intensity commercial uses. 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 Regulations per Section 35-514 in the UDC.

Staff Recommendation – Fence Height Special Exception

Staff recommends **Approval** in **BOA-22-10300178** based on the following findings of fact

1. The 8' fence will add additional security and privacy to the subject sites and immediate area; and
2. Predominantly open front yard fences were observed within the surrounding area so it will not alter the essential character of the district.