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| Case Number:       | BOA-23-10300107  |
| Applicant:         | Stanley Built LLC  |
| Owner:             | Shop Workspaces LLC  |
| Council District:  | 5  |
| Location:          | 2222 Buena Vista Street  |
| Legal Description: | Lot 6, Block 17, NCB 2333  |
| Zoning:            | “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland<br>Military Lighting Overlay Military Lighting Region 2<br>Airport Hazard Overlay District |
| Case Manager:      | Vincent Trevino, Senior Planner  |

### **Request**

A request for a 2’ special exception from the minimum 6’ fence height requirement, as described in 35-514, to allow an 8’ predominantly open fence in the side and rear yard.

### **Executive Summary**

The subject property is located on Buena Vista Street intersection with South Chupaderas Street, on the inner west side of San Antonio. The applicant is requesting a special exception to construct an 8’ predominately open fence on the side and rear yard. The fence will create enhanced security and privacy for the subject and adjacent properties. Upon site visits, staff observed other fences with similar heights in the immediate area.

### **Code Enforcement History**

Trees Investigation (INV-TRE-INV22-24000297) December 2022

### **Permit History**

Commercial Project Application (COM-PRJ-APP23-39800470) February 2023 (pending result of BOA Special Exception)

Commercial Project Application (COM-PRJ-APP23-39800472) February 2023

Commercial Remodel Permit (COM-RML-PMT22-40000558) July 2022

Commercial Project Application (COM-PRJ-APP22-39801969) June 2022

Commercial Project Application (COM-PRJ-APP22-39800954) March 2022

Commercial Sitework Permit (COM-SIT-PMT22-40100528) December 2022

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “F” Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “F” Local Retail District converted to “C-2” Commercial District.

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

| Existing Zoning  | Existing Use    |
|--|-----------------|
| “C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland<br>Military Lighting Overlay Military Lighting Region 2<br>Airport Hazard Overlay District | Vacant Building |

### **Surrounding Zoning/Land Use**

| Orientation | Existing Zoning District(s)  | Existing Use            |
|-------------|--|-------------------------|
| North       | “C-2 MLOD-2 MLR-2 AHOD” Commercial<br>Lackland Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay<br>District                | Non-Profit Business     |
| South       | “R-4 MLOD-2 MLR-2 AHOD” Residential<br>Single-Family Lackland Military Lighting<br>Overlay Military Lighting Region 2 Airport<br>Hazard Overlay District | Single-Family Residence |
| East        | “C-2 MLOD-2 MLR-2 AHOD” Commercial<br>Lackland Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay<br>District                | Single-Family Residence |
| West        | “C-2 MLOD-2 MLR-2 AHOD” Commercial<br>Lackland Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay<br>District                | Church                  |

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

The subject property is in the Guadalupe Westside Community Plan and is designated as “Low Density Mixed-Use” in the future land use component of the plan. The subject property is located within the boundary of the Historic Westside Residents Neighborhood Association, and they have been notified of the request.

### **Street Classification**

Buena Vista Street is classified as a Primary Arterial Type B.

### **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 fence height being requested is predominantly open 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 property owners while still promoting a sense of community. The proposed fence being requested will be located along the side and rear property lines and is exceeding the maximum height requirement by 2’. 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 and adjacent properties. Additionally, another fence exceeding the minimum height requirement was seen in the immediate area.**

*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 side and rear yards 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 zoned.**

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

**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 of the UDC Section 35-514.

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

Staff recommends **Approval of** in **BOA-23-10300107** based on the following findings of fact:

1. The fence will create enhanced security and privacy for the subject and adjacent properties; and
2. The request will not alter to location for which the special exception is sought.