

Case Number:	BOA-23-10300133
Applicant:	BTWM410 LLC
Owner:	BTWM410 LLC
Council District:	3
Location:	9366 SE Loop 410
Legal Description:	Lot P-202, NCB 10917 and Lot P-201B and Lot P-203, NCB 10917
Zoning:	“C-2NA AHOD” Commercial Nonalcoholic Sales Airport Hazard Overlay District and “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Principal Planner

Request

A request for 1) a 3' special exception from the maximum 5' fence height, as described in Sec 35-514, to allow an 8' predominantly open fence in the front property line, 2) a 5' special exception from the maximum 3' fence height, as described in Sec 35-514, to allow an 8' privacy fence in the front and side yard, and 3) a 1' special exception from the maximum 6' fence height, as described in Sec 35-514, to allow a 7' predominantly open fence on the south rear property line.

Executive Summary

The subject property is located off SE Loop 410, near the intersection with Southton Road. It contains two lots, one being commercial and the other residential, and the applicant has indicated it will remain as such so he can live next to the proposed self-storage business. A recently approved variance eliminated the front buffer yard and reduced the west buffer yard to 5'. Any requested barbed wire will be done with an administrative variance. Requested front yard fence is mostly 8', however a small portion is for 6' on the northeast portion of the property. Fences on commercial abutting residential and vice versa, and residential properties abutting a street not classified as local are permitted an 8' privacy fence by right in the side and rear yards (Sec. 35-514(c)(2)). Additionally, residential properties with over 20,000 square feet are permitted a front yard predominantly open fence of 6' (Sec 35-514(b)(2)).

Code Enforcement History

None.

Permit History

The issuance of a fence permit has not been applied for yet and will be pending the outcome of the Board of Adjustment.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952. The property was rezoned by Ordinance 62153, dated January 09, 1986 to the “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 the “R-6” Residential Single-Family District. The northern lot was rezoned by Ordinance 2020-08-06-0492, dated August 6, 2020, to the current “C-2NA” Commercial Nonalcoholic Sales District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 NA AHOD” Commercial Nonalcoholic Sales Airport Hazard Overlay District and “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Lots

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	Right of Way	SE Loop 410
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Lot
East	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Carwash and Commercial
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Vacant Lot and Single Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Heritage South Sector Plan and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is located within the boundary of the Villa Coronado Neighborhood Association, and they have been notified of the request.

Street Classification

SE Loop 410 is classified as a Primary Arterial.

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 a portion is a privacy fence located along the front yard 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 be requested will be located along the front yard and is exceeding the maximum height requirement by 1’ for the predominantly open fence and 5’ for the privacy fence. The fence will still serve 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, the additional fence height will be along SE Loop 410 and abutting a vacant residential lot.

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 yard of the subject property does not appear to alter the location for which the special exception is sought, as the abutting base zoning district is residentially zoned along a highway. Additionally, the property is zoned for more intense commercial uses that would be beneficial to add an 8' fence.

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 Standards of the UDC Section 35-514.

Staff Recommendation – Side Setback

Staff recommends **Approval** in **BOA-23-10300133** based on the following findings of fact:

1. The additional fence height is being requested along SE Loop 410; and
2. The additional fence height will not alter the essential character of the district.