

Case Number:	BOA-23-10300231
Applicant:	Rene Cavazos
Owner:	Chesapeake Associates LTD II
Council District:	6
Location:	3900 Rogers Road
Legal Description:	Lot 2, Block 15, NCB 17642
Zoning:	“C-2 AHOD” Commercial Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

### **Request**

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

### **Executive Summary**

The subject property is located along Rogers Road near Wiseman Boulevard. The applicant is anticipating on constructing an 8' fence in the front, rear, and side yards. Fences that are constructed in the front yard are allowed to be 5' tall, if predominantly open, and 6' in the side and rear yards. Upon site visits conducted by staff, other similar fences were seen in the immediate area.

### **Code Enforcement History**

There is no relevant code enforcement history for the subject property.

### **Permit History**

The issuance of a building permit is pending the outcome of the Board of Adjustment  
There are no relevant permits pulled for the subject property.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 85089, dated December 30, 1996, and originally zoned Temporary “R-1” Single-Family Residence District. The property rezoned under Ordinance 88150, dated July 23, 1998, from Temporary “R-1” Single-Family Residence 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 Hazard Overlay District	Office Building

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

Orientation	Existing Zoning District(s)	Existing Use
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North	"C-2 AHOD" Commercial Airport Hazard Overlay District	Office Building
South	"C-2 AHOD" Commercial Airport Hazard Overlay District	Office Building
East	"C-2 AHOD" Commercial Airport Hazard Overlay District	Office Building
West	"C-3 GC-2 AHOD" General Commercial Highway 151 Gateway Corridor Airport Hazard Overlay District	Vacant Commercial

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

The subject property is in the Highway 151 and Loop 1604 Area Regional Center Plan and is designated "Business/Innovation Mixed Use" in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

### **Street Classification**

Rogers Road is classified as a Secondary Arterial Type A.  
Rogers Run is classified as a Local Road.

### **Criteria for Review – Fence Height Special Exception**

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 proposed fence being requested is predominantly open, located along the front, side, and rear property lines. 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. An 8' fence along the front, side, and rear property lines do 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 add security to the subject property and adjacent properties. Other predominantly open fences were observed in the area therefore the request is unlikely to substantially injure any neighboring properties. Additionally, the property is abutting all similar commercial uses, which will not substantially injure 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 in fence along the front, side, and rear property lines will not alter the essential character of the district as the property is zoned commercial.**

*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 use of medium intensity commercial uses. The requested special exception will not weaken the general purpose of the district. The fence is located along all property lines and other properties appeared to have similar fences; thus, it does not appear out of character for the neighborhood.**

**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** in **BOA-23-10300231** based on the following findings of fact:

1. The fence will add security to the subject property and adjacent properties; and
2. Other predominantly open fences were observed in the area therefore the request is unlikely to substantially injure any neighboring properties.