

Case Number:	BOA-23-10300339
Applicant:	American GI Forum National Veterans Outreach Programs
Owner:	MNS Hotel Partners
Council District:	1
Location:	918 North Main Avenue
Legal Description:	Lots 1, 2 and 3, Block 3, NCB 793
Zoning:	“C-2 UC-5 AHOD” Commercial Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

**A request for**

A 2' special exception from the maximum 5' fence height, as described in Section 35-514, to allow a 7' predominantly open fence in the front yard.

**Executive Summary**

The subject property is located on North Main Avenue, just north of IH-35. The request is to allow a new 7' predominately open fence that will be located along the front yard property lines. The front will maintain a 7' predominately open gate that will serve as an access into the property. With the property abutting an Arterial Type C, as per Sec. 35-514, an 8' fence is currently allowed to be developed on the side and rear property lines.

**Code Enforcement History**

No Code Enforcement history on file.

**Permit History**

No permit history on file.

**Zoning History**

The property was part of the original 36 square miles of the City of San Antonio and originally zoned “H” Local Retail District. Ordinance 83331 dated December 14, 1995 rezoned the property 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**

“C-2 UC-5 AHOD” Commercial Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

**Existing Use**

Vacant Building

**Surrounding Zoning/Land Use**

**North**

**Existing Zoning District(s)**

“C-3 UC-5 AHOD” General Commercial Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**South**

**Existing Zoning District(s)**

“C-2 UC-5 AHOD” Commercial Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

**Existing Use**

Restaurant

**East**

**Existing Zoning District(s)**

“C-2 UC-5 AHOD” Commercial Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

**Existing Use**

Restaurant

**West**

**Existing Zoning District(s)**

“C-2 UC-5 AHOD” Commercial Main Ave./McCullough Ave. Urban Corridor Airport Hazard Overlay District

**Existing Use**

Hotel

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Midtown Area Regional Center and is designated as “Regional Mixed Use” in the future land use component of the plan. The subject property is located within the Tobin Hill Community Neighborhood Association boundary of a registered neighborhood association.

**Street Classification**

North Main Avenue is classified as a Secondary Arterial Type B.

West Euclid Avenue is classified as a Secondary Arterial Type A.

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

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 7’ fence will be predominantly open and located along the front property line. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance as the request appears to be reasonable and closely aligned with the code.**

- 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 additional fence height will aid with deterring unauthorized personnel on the property while the material will help with not completely isolating the property from the rest of the neighborhood.**

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

**The additional fence height being requested will enhance security for the subject property. The adjacent properties are also zoned for commercial uses therefore the request is unlikely to injure the 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 requested 7' predominately open fence will not alter the essential character of the district as the property is in a high traffic area of the City.**

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

**The subject property currently has a vacant building. The request will not weaken the general purpose of the district as other similar fences are in the area.**

### **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**

Staff recommends **Approval** in **BOA-23-10300339** based on the following findings of fact:

1. The 7' fence will add additional security and privacy to the subject property and immediate area; and
2. The request will not alter the essential character of the district.