

Case Number:	BOA-22-10300144
Applicant:	Audrey Trinidad
Owner:	Trinidad Group LLC
Council District:	1
Location:	1039 West Hildebrand Avenue
Legal Description:	Lot 21, Block 2, NCB 3929
Zoning:	“C-2 AHOD” Commercial Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

### **Request**

A request for a 3’ special exception from the 5’ maximum fence height requirement, as described in Section 35-514 to allow an 8' fence along the front property line.

### **Executive Summary**

The subject property is located at 1039 West Hildebrand Avenue and is a corner lot. There is currently a business on the property. Upon the site visit conducted by staff, it was observed that there was currently a chain link fence with barb wire along the front of the property. West Hildebrand Avenue is currently a Secondary Arterial B which is a street designated on the current major thoroughfare plan and currently supports a high volume of traffic. Upon site visit staff observed that the fence did not raise any clear vision issues.

### **Code Enforcement History**

There is no Code Enforcement History on file.

### **Permit History**

There are no relevant permits pulled for the subject property. A fence permit will need to be obtained and is pending the outcome of the BOA Hearing.

### **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. Ordinance 91192 dated January 27, 2000 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	Existing Use
“C-2 AHOD” Commercial Airport Hazard Overlay District	Office Building

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
South	"C-3NA NCD-5 AHOD" General Commercial Nonalcoholic Sales Beacon Hill Neighborhood Conservation Airport Hazard Overlay District	Office Single-Family Residence
East	"C-2 AHOD" Commercial Airport Hazard Overlay District	Church
West	"C-2 AHOD" Commercial Airport Hazard Overlay District "O-2 AHOD" High Rise-Office Airport Hazard Overlay District	Single-Family Residence HVAC Store

## Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Greater Dellview Area Community Plan is currently designated Mixed Use in the future land use component of the plan. The subject property is located within the Beacon Hill Neighborhood Association and within 200 feet of the Central Los Angeles Heights Neighborhood Association, and they were notified of the case.

## Street Classification

West Hildebrand Avenue is classified as a Secondary Arterial B.

## 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 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 being requested in an 8' wood fence along the front of the 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 commercial property owners' privacy and security while still promoting a sense of community. An 8' tall fence along the front portion of the yard does 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 create enhanced privacy for the subject property on front yard 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 for front yard will not alter the essential character of the district. The request for additional fence height is due to privacy and security because of the high volume of traffic along West Hildebrand Avenue.**

*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 current use of 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 Requirements of the UDC Section 35-514.

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

Staff recommends **Approval** in **BOA-22-10300144** based on the following findings of fact:

1. The additional two feet in height will provide additional safety and security to the property due to being located along a Secondary Arterial B ; and
2. The request does not appear to alter the essential character of the district; and
3. The request does not create a clear vision issue.