

Case Number:	BOA-22-10300219
Applicant:	Rod Wallace
Owner:	Roderick E. Wallace
Council District:	3
Location:	562 East Mitchell
Legal Description:	Lot 1, Block 1, NCB 3083
Zoning:	“R-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Airport Hazard Overlay District and “IDZ MC-2 AHOD” Infill Development Zone South Presa Metropolitan Corridor Airport Hazard Overlay District with uses permitted in “C-2” Commercial District and “RM-4” Residential Mixed District
Case Manager:	Rebecca Rodriguez, Senior Planner

### **Request**

A request for 1) a 2' special exception from the maximum 6' fence height, as described in Section 35-514, to allow a solid screened fence to be 8' tall along the side and rear property lines and 2) a 5' special exception from the maximum 3' fence height, as described in Section 35-514, to allow a solid screened fence to be 8' tall along the front yard.

### **Executive Summary**

The subject property is located along South Presa, south of IH-10. Currently, the property has a single-family residence situated to the west and fronting on East Mitchell Street. There is also an automotive service garage located on the east side of the property which is fronting on South Presa. The applicant is proposing to convert the existing service garage into their primary residence while also keeping the existing residence. Once redeveloped, the property will continue to maintain two frontages. This led to the applicant submitting a special exception request to allow an 8' solid screened fence to be along the front, side, and rear property lines. The fence will be placed along East Mitchell and will not extend past the front façade of the existing service garage.

### **Code Enforcement History**

There are no code violations for this property.

### **Permit History**

There are no relevant permits on file for this property. The submittal for a fence permit is pending the outcome of the Board of Adjustment hearing.

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “J” Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “J” Commercial District converted to the current “I-1” General Industrial District. Ordinance 2011-05-19-0425 dated May 19, 2011 rezoned the property with the eastern portion being rezoned to “IDZ” Infill Development Zone with uses permitted in “C-2” Commercial District and “RM-4” Residential Mixed District and the western portion being rezoned to “R-4” Residential Single-Family District.

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

Existing Zoning	Existing Use
“R-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Airport Hazard Overlay District and “IDZ MC-2 AHOD” Infill Development Zone South Presa Metropolitan Corridor Airport Hazard Overlay District with uses permitted in “C-2” Commercial District and “RM-4” Residential Mixed District	Single-Family Residence and Auto Repair Service Garage

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

Orientation	Existing Zoning District(s)	Existing Use
North	“IDZ MC-2 AHOD” Infill Development Zone South Presa Metropolitan Corridor Airport Hazard Overlay District with uses permitted in “C-2” Commercial District and “RM-4” Residential Mixed District	Tire Shop
South	“IDZ MC-2 AHOD” Infill Development Zone South Presa Metropolitan Corridor Airport Hazard Overlay District with uses permitted in “C-2” Commercial District and “RM-4” Residential Mixed District	Single-Family Residence
East	“IDZ MC-2 AHOD” Infill Development Zone South Presa Metropolitan Corridor Airport Hazard Overlay District with uses permitted in “C-2” Commercial District and “RM-4” Residential Mixed District	Commercial Building
West	“R-4 MC-2 AHOD” Residential Single-Family South Presa Metropolitan Corridor Airport Hazard Overlay District	Single-Family Residence

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

The subject property is in the South Central San Antonio Community Plan and is designated “Low Density Residential” and “Mixed Use” in the future land use component of the plan. The subject property is located within the Roosevelt Park Neighborhood Association and in proximity to Riverside Neighborhood Association. Both were notified of the case.

### **Street Classification**

South Presa is classified as a Secondary Arterial B and East Mitchell is classified as Collector 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 solid screened fence being requested is located along the front, side, and rear property lines. However, it will not be past the front façade of the existing service garage which will be converted into the primary residence. 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 residential property owners while still promoting a sense of community. An 8' tall fence does not pose any adverse effects to the public welfare. The property is located on the corner of South Presa and East Mitchell which contains numerous commercial and industrial uses in the immediate area.**

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

**The property is fronting on both a Collector Street and a Secondary Arterial B Street. These street classifications consistently have heavier foot traffic and substantial vehicular traffic. The fence will strengthen security to the subject property and adjacent 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 does not appear to alter the essential character of the district. The subject property is located on a corner lot and the construction of an 8' fence would enhance the entrance into the neighborhood located to the west of the property. Injury to the character of the district is highly unlikely.**

*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 allows for a multitude of uses due to the "IDZ" Infill Development Zone District in which it is located. 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 listed under Section 35-314 of the UDC.

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

Staff recommends **Approval** in **BOA-22-10300219** based on the following findings of fact:

1. The 8' fence will add additional security and privacy to the subject site and immediate area; and
2. The property is located on a corner lot and fronts on a high traffic street; and
3. The proposed fence will not alter the essential character of the district.