

Case Number:	BOA-22-10300242
Applicant:	Caren Easterling
Owner:	McCreless Investors LTD
Council District:	3
Location:	2364 East Southcross Boulevard
Legal Description:	Lot 36, Block 1, NCB 7586
Zoning:	"C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

### **Request**

A request for a 2' special exemption from the maximum 6' fence height, as described in Section 35-514, to allow a privacy fence to be 8' in the rear area of the property.

### **Executive Summary**

The subject property is located along East Southcross Boulevard near Interstate Highway 37 and there is currently a commercial building on the property. The applicant is proposing to construct an 8' privacy fence in the rear of the property. Upon site visits conducted by staff, the proposed privacy fence would cover a width of 5' to provide additional security for utility meters in the rear. The maximum height permitted for a privacy fence in the rear yard is 6' and no elevation changes were found on the subject property.

### **Code Enforcement History**

There is no relevant Code Enforcement History for the subject property.

### **Permit History**

There are no relevant permits pulled for the subject property. The permit for the fence is pending the outcome of the Board of Adjustment hearing.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 1256, dated August 2, 1944, and originally zoned "F" Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "F" Local Retail 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	Commercial Building

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

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 AHOD" Commercial Airport Hazard Overlay District	Commercial Building
South	ROW	IH-37

East	"C-2 AHOD" Commercial Airport Hazard Overlay District	Commercial Building
West	"C-2 AHOD" Commercial Airport Hazard Overlay District	Commercial Building

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

The subject property is in the Brooks Area Regional Plan and is designated “Urban Mixed Use” in the future land use component of the plan. The subject property is located within the boundary of Highland Hills Neighborhood Association and they have been notified of the request.

### **Street Classification**

East Southcross Boulevard is classified as a minor road.

### **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 8’ fence being requested in the rear yard is solid screened. 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 utilities while still promoting a sense of community. An 8’ tall fence in the rear yard does not appear to affect the public welfare.**

- 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, as the adjacent areas are also zoned commercial and 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 additional height will not alter the essential character of the district, as the entirety of the fence will be in the rear yard at a width of 5’.**

- 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 commercial properties. 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 of the UDC Section 35-314.

**Staff Recommendation**

Staff recommends **Approval** in **BOA-22-10300242** based on the following findings of fact:

1. The 8' fence will add additional security and privacy to the subject property and immediate area; and
2. The fence will be in the rear yard.