

Case Number:	BOA-23-10300084
Applicant:	Mullaney Contracting and Consulting
Owner:	Thomas L. & Barbara S. O'Connor
Council District:	2
Location:	163 Rittiman Road
Legal Description:	The south 199.74 feet of Lot B, NCB 8693
Zoning:	"C-2 MC-3 AHOD" Commercial Austin Highway/ Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District
Case Manager:	Joseph Leos, Planner

Request

A request for 1) a 1' special exception from the maximum 3' solid fence height requirement, as described in Section 35-514, to allow a 4' solid fence along the front property line, 2) a 1' special exception from the maximum 5' fence height requirement, as described in Section 35-514, to allow a 6' fence along the front property line, and 3) a 1' special exception from the maximum 5' fence height requirement, as described in Section 35-514, to allow a 6' predominately open fence along the front yard, eastern and western property lines.

Executive Summary

The subject property is located at the intersection of Rittiman Road and Austin Highway. Currently, the subject property is a vacant lot, and the applicant is proposing to construct a fence that will be around the perimeter of the property. The fence along the front property line is anticipated to be a combination fence, with the first 4' being solid screened and proceeding 2' predominantly open. Additionally, the applicant is proposing to construct a 6' predominantly open fence along the eastern and western property lines, passed the front façade of the anticipated structure. Solid screened and predominately open fences in the front yard constructed in San Antonio are required to be a maximum of 3' and 5'. Applicant has indicated fence will have a 20' front setback and will meet the clear vision standard.

Code Enforcement History

No Code Enforcement history found for the subject property.

Permit History

The issuance of the building permit is pending the outcome of the Board of Adjustment.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1257, 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 MC-3 AHOD” Commercial Austin Highway/ Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Vacant Commercial
---	-------------------

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 MC-3 AHOD” Commercial Austin Highway/ Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Lighting Store
South	“OCL” Outside City Limits	Single-Family Dwelling
East	“C-2 MC-3 AHOD” Commercial Austin Highway/ Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Vacant Commercial
West	“C-2 MC-3 AHOD” Commercial Austin Highway/ Harry Wurzbach Metropolitan Corridor Airport Hazard Overlay District	Hotel

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Northeast Inner Loop Neighborhood Plan and is designated as “Neighborhood Commercial” in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

Rittiman Road is classified as a Secondary Arterial Type B.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, in order for a variance 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 height along the front property line being requested is combined, with the first 4’ solid and screened and the preceding is 2’ predominately open. Additionally, the applicant is requested a 6’ predominately open fence along the western and eastern property lines, passed the front façade of the structure. The additional fence height is intended to provide safety and security of the applicant’s property. If granted, the request will be in harmony with the spirit and purpose of the chapter.

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 while still promoting a sense of community. The additional fence height will provide security and privacy for the subject and adjacent properties. This is not contrary to the public interest.

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

The fence will create enhanced security and privacy for the subject and adjacent properties. Furthermore, the fencing will not violate the Clear Vision standards for the subject 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 in the front yard of the subject property does not appear to alter the location for which the special exception is sought, as the abutting base zoning districts are commercially zoned. Additionally, the property is zoned for more intense commercial uses that would be beneficial to exceed minimum fence heights.

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

The property is located within the “C-2” Commercial District and permits the current use. 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 Fence Heights of the UDC Section 35-514.

Staff Recommendation – Fence Height Special Exception

Staff recommends **Approval of BOA-23-10300084** based on the following findings of fact:

1. The additional fence height is intended to provide safety and security of the applicant’s property; and
2. The request does not appear to be out of character in the immediate area.