



City of San Antonio

Legislation Details (With Text)

File #: 15-3652

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 6/15/2015

Title: A-15-104: A request by HE Butt Grocery Company for a two foot variance from the four maximum front yard, predominately-open fence height, to allow a six foot tall wrought-iron fence in the front yard of the property located at 3481 Fredericksburg Road. (Council District 7)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-15-104 attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-15-104

Applicant: Dale Carse

Owner: HE Butt Grocery Company

Council District: 7

Location: 3481 Fredericksburg Road

Legal Description: Lot 37 EXC ARB 37A, SW 6.3 FT of 24 & W IRR 400.04 FT of 5B, NCB 8406

Zoning: "C-3 R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District and "C-3 AHOD" General Commercial Airport Hazard Overlay District

Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for a two foot variance from the four maximum front yard predominately-open fence height, as described in Section 35-514 (d) to allow a six foot tall wrought-iron fence in the front yard of the property.

Executive Summary

The subject property is a 13-acre commercial center with nearly 100,000 square feet of interior space, built in 1967. HEB purchased the property in 1988 from Centeno Supermarket. The applicant is currently using the building as its training center, offering classes to its employees on a variety of topics. The classes have to be scheduled around employees' other schedules and as such frequently happen at night. As many as 300 employees could be on site at any given time. The employees have expressed concerns about unauthorized people and cars gathering at night, scaring unaccompanied women. The normal surveillance provided by employees in the building is difficult because the parking lot is over 300 feet deep. HEB is requesting the variance to address this concern by installing a 6 foot tall wrought iron fence around the perimeter of the property. They hope that the new fence will alleviate concerns and eliminate trespass. The fence has not been

constructed yet.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 R AHOD” General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District and “C-3 AHOD” General Commercial Airport Hazard Overlay District	HEB Training Center

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Restaurant & Storage Units
South	“C-2 AHOD” Commercial Airport Hazard Overlay District	Apartments
East	“C-3 NA AHOD” General Commercial Non-Alcoholic Sales Airport Hazard Overlay District	Storage Units & Motel
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Community Plan and currently designated as Community Commercial in the future land use component of the plan. The subject property is also located within the boundaries of the Maverick Neighborhood Association. As such, they were notified and asked to comment.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. **In this case, these criteria are represented by fence height limitations to provide for safety, and also to promote a sense of community. The applicant asserts that the fence is required to secure the property during training classes held in the evening.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

Staff finds that the special condition present in this case is that the operations at the training center can occur in small groups at a variety of times, including late at night. Crime has increased in the area and the staff has been subjected to threatening harassment. A literal enforcement would result in an unnecessary hardship.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance provides fencing height and design requirements which balance the need for protection and the need for community. Staff was originally concerned that the fence would negatively impact the sense of community. However, understanding the customers of the location and their needs for security late in the evening is consistent with the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “C-3 R AHOD” General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The Fredericksburg Road corridor was once one of the busiest business corridors in the City but through normal building aging is now in need of revitalization. The planned improvements for this 13 acre site, including fencing and landscaping improvements, will contribute to these efforts. Therefore, the variance will not injure the character of the district.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The applicant’s property is affected by its mission to train employees who are also working their full time jobs. This mission requires schedules that potentially extend into the late night hours, creating the need for additional property barriers.

Alternative to Applicant’s Request

The applicant needs to reduce the fence height to come into compliance with the Unified Development Code.

Staff Recommendation

Staff recommends **APPROVAL of A-15-104** based on the following findings of fact:

1. The property operates at unusual hours and needs late night security;
2. The building is setback more than 300 feet from the street.