



City of San Antonio

Legislation Details (With Text)

File #: 19-3027
Type: Zoning Case
In control: Board of Adjustment
On agenda: 4/1/2019
Title: BOA-19-10300026: A request by Aero Cosmetics for a variance from the restriction of corrugated metal as a fencing material to allow for its use as fencing, located at 12122 Colwick Drive. Staff recommends Approval. (Council District 9)
Sponsors:
Indexes:
Code sections:
Attachments: 1. 19-10300026 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300026
Applicant: Aero Cosmetics
Owner: Rotor Properties, LLC
Council District: 9
Location: 12122 Colwick Drive
Legal: Lot 12, Block 39, NCB 13495
Description:
Zoning: "I-1 AHOD" General Industrial Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a variance from the restriction of corrugated metal as a fencing material, as described in Section 35-514, to allow for its use as fencing.

Executive Summary

The subject property is located in an industrial area northwest of the San Antonio International Airport. The proposed project will consist of a new building meeting all requirements and abutting neighboring industrial development; the metal fencing material will be limited to certain perimeters of the site and will not be close to pedestrian sidewalks or public right-of-way.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

No permit history related to this project exists on the property. The property owner is seeking variance to allow for permit to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-1 AHOD" General Industrial Airport Hazard Overlay District	Vacant Gas Station

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Iron Doors Maker, Lighting Fixtures
South	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Auto Parts, Copy Products
East	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Car Rental, Cabinet Maker,
West	"I-1 AHOD" General Industrial Airport Hazard Overlay District	Utility Company

Comprehensive Plan Consistency/Neighborhood Association

The property is within the San Antonio International Airport Vicinity Plan and designated as "Business Park" 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

Colwick Street is classified as a local street.

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, the corrugated metal fence will be located away from public sidewalks and away from public right-of-way. If granted, this request would be harmony with the spirit and purpose of the ordinance.

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

Allowing the applicant to keep the corrugated metal fence will help create a safe and private environment while enhancing aesthetics. Therefore, the public welfare and convenience will be substantially served.

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

Granting the variance will not substantially injure the neighboring properties as the fence will enhance safety and privacy for the subject property and is highly unlikely to injure adjacent properties.

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

The variance will not authorize the operation of a use other than those uses specifically authorized in zoning 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 corrugated metal fence does not affect the character of the community. The fence will not impose any immediate threat to adjacent properties.

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 unique circumstance in this case is that the fence will be built with a combination of fence materials away from the public not exposing the corrugated metal. It is difficult to establish how the request could harm adjacent owners or detract from the character of the community.

Alternative to Applicant's Request

The applicant would need to adhere to the permitted fence materials as described in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **BOA-19-10300026**, based on the following findings of fact:

1. The fence will only be installed in certain areas around the property not near the public, and;
2. Clear Vision standards will not be in violation.