



City of San Antonio

Legislation Details (With Text)

File #: 20-2754
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment
On agenda: 5/4/2020
Title: BOA-20-10300033: A request by Lori Spahn for a variance from the restriction of panelized steel as a fencing material to allow for its use, located at 1001 Westgate. Staff recommends Approval. (Council District 2) (Justin Malone, Planner (210) 207-0157, Justin.Malone@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-20-10300033
Applicant: Lori Spahn
Owner: Lori Spahn
Council District: 2
Location: 1001 Westgate Lane
Legal: Lot 13,14 & 15, Block 9, NCB 1082
Description:
Zoning: "C-2 NCD-6 MLOD-3 MLR-2" Commercial Mahncke Park
Neighborhood Conservation Military Lighting Overlay
Military Lighting Region District
Case Manager: Justin Malone, Planner

Request

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

Executive Summary

The subject property is located at 1001 Westgate Lane, at the corner of Lucas Street and Westgate Lane/Old Austin Road. The subject property shares a fence along the north property line with a single family home and a multifamily home to the north. The property is approximately 150 feet from the western property line of Fort Sam Houston. The applicant purchased the property in January of 2020 and would like to establish a significant

and secure property barrier between their commercial property and the adjoining residential neighbors. The applicant states that the proposed fencing will maintain curb appeal using panelized steel as opposed to corrugated metal so that it looks like it belongs in the district/neighborhood.

The applicant stated that she wishes to build a fence that is more of an investment in the property versus what is currently built on the property and in a dilapidated state. The applicant states she will follow all fencing height and gate height restrictions. During site visits Staff noticed that the previous fencing and other barriers have been removed, leaving the lawn unsecure and open to the public.

Zoning History

The subject property was part of the original thirty six square miles of San Antonio and was zoned “G” Local Retail District. Upon adoption of the 2001 Unified Development Code, the property converted to “C-2” Commercial District. The property was rezoned from “C-2” Commercial District to “C-2 NCD-6” Commercial Mahncke Park Neighborhood Conservation District by Ordinance 2008-01-17-005 on January 17, 2008.

Code Enforcement History

No code enforcement history found on this property.

Permit History

No permits have been processed for this project.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-2 NCD-6 MLOD-3 MLR-2” Commercial Mahncke Park Neighborhood Conservation Military Lighting Overlay Military Lighting Region District	Law Office

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2 NCD-6 MLOD-3 MLR-2” Commercial Mahncke Park Neighborhood Conservation Military Lighting Overlay Military Lighting Region District	Multi-Family Dwelling
South	“C-2 NCD-6 MLOD-3 MLR-2” Commercial Mahncke Park Neighborhood Conservation Military Lighting Overlay Military Lighting Region District	Storage Warehouse

East	“MR MLOD-3 MLR-2” Military Reservation Military Lighting Overlay Military Lighting Region District	Fort Sam Houston
West	“MF-33 NCD-6 MLOD-3 MLR-2” Multifamily Mahncke Park Neighborhood Conservation Military Lighting Overlay Military Lighting Region District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is within the boundaries of the Mahncke Park Neighborhood Plan and currently designated as Urban Low Density Residential in the future land use component of the plan. 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, the variance is not contrary to the public interest as the fence will be built with panelized steel as opposed to corrugated metal along the west, east, and north property lines and will mirror the existing metal finish on the commercial building façade.

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

The proposed fence will be in coordination with the design of the current commercial building and promote a sense of safety and security for the property owner.

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

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The intent of the variance from the material limitation is to preserve appropriate design consistent with the surrounding community, which is observed by the current metal façade of the building and the proximity to Fort Sam Houston.

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

No uses other than those allowed within the district will be allowed with this variance.

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.*

There are few solid fences in this neighborhood that accompany properties with commercial use. A variance from the material limitation for the fence will provide security and safety from nearby residential properties that currently have unsightly fencing in place.

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.*

Staff noted that during site visits that the property currently does not have a fence and the lot remains open to public access. A fence made of panelized steel built along the west, east, and north property lines will provide additional safety and security for the applicant's property adjacent to a local roadway.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to meet the required fence material regulations in Section 35-514.

Staff Recommendation

Staff recommends **APPROVAL** of **BOA-20-10300033**, based on the following findings of fact:

1. The proposed fencing material is intended to provide durability, safety, and security of the applicant's property.
2. The material and style of the fence will be panelized steel and will not exceed height limitations.