



# City of San Antonio

## Agenda Memorandum

**File Number:**16-6007

**Agenda Item Number:** 1.

**Agenda Date:** 12/5/2016

**In Control:** Board of Adjustment

Case Number: A-17-012  
Applicant: Daniel Snyder  
Owner: DTACTL-SAWAP LLC  
Council District: 2  
Location: 5814 IH-10 East  
Legal: Lot 5 and P-32, P-33, P-34, Block 1, NCB 17322  
Description:  
Zoning: "I-2 S AHOD" Heavy Industrial Airport Hazard Overlay  
District with Specific Use Authorization for Used Auto Parts  
Recycler  
Case Manager: Margaret Pahl, AICP, Senior Planner

### Request

A request for 1) a four foot variance from the maximum 8 foot fence height to allow a 12 foot fence in the rear and side yards; 2) a variance from the provision that prohibits corrugated sheet metal as a fencing material, both as described in Section 35-514; and 3) a 25 foot variance from the 25 foot landscaped bufferyard required along the side and rear property lines, as required in Table 35-510.

### Executive Summary

The subject property includes approximately 18 acres, ten acres used as a Used Auto Parts Recycler since 1989 and eight acres recently approved by the City Council for expansion. A new operator is requesting the above-described variances, citing safety from potential vandalism as a primary reason. The site is located in a remote part of the City and could become a target for theft. The additional four feet in fence height will increase security significantly. In addition, they request authorization to use sheet metal as a fencing material and instead of the landscaped bufferyard. The landscaped bufferyard, 25 feet in width will not enhance the adjacent properties, but instead be located inside the required screen fencing.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-2 S AHOD" Heavy Industrial Airport Hazard Overlay District with Specific Use Authorization for Used Auto Parts Recycler	Used Auto Parts Recycler

## Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	UZROW Unzoned Right of Way	IH-10 East
South	“MR AHOD” Military Reserve Airport Hazard Overlay District	Martindale Airfield
East	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Tire Shop
West	“I-1 AHOD” Industrial Airport Hazard Overlay District	Oil & Lubricant Shop

## Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the IH-10 East Corridor Plan and currently designated as Industrial in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

## 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 public interest is represented by screening industrial uses. The applicant is willing to install the landscaping along the IH-10 corridor and locate the metal fencing behind the primary building façade, making the requested variance not contrary to public interest.**

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

**Literal enforcement of the ordinance will force the applicant to install 8 foot tall solid screen fencing around an 18 acre site, and plant a 25 foot landscaping buffer inside the fence, resulting in an unnecessary hardship. The applicant is requesting a variance to allow the fencing behind the building to be 12 feet in height and made of metal, to screen the inoperable vehicles.**

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 the intent of the Code, rather than the strict letter of the law. In this case, the intent of the provision restricting metal for use as a fencing material may not have considered an 18 acre industrial site, with 3,500 linear feet, which requires screening.**

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 variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “I-2 S AHOD” Heavy Industrial Airport Hazard Overlay District, with Specific Use Authorization for Used Auto Parts Recycler.**

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 metal fencing will be behind the building around the perimeter of the salvage yard. The neighboring property owners have supported the requests, submitting letters with the application. The applicant will install landscaping adjacent to the front property line, and retain open fencing.**

*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 is the size of the perimeter of the yard, 3,500 linear feet and the requirement to screen the operation. Additionally, the site is adjacent to other commercial and industrial uses.**

### **Alternative to Applicant's Request**

Without the requested variance, the owner will be required to install another type of screen fencing and a bufferyard.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances, detailed in A-17-012** based on the following findings of fact:

1. The applicant is installing the bufferyard adjacent to the highway, where it can be seen by the public;  
and
2. The 18-acre salvage yard is located in a remote part of the City that could be a target for theft.