



# City of San Antonio

## Agenda Memorandum

**File Number:**17-2251

**Agenda Item Number:** 4.

**Agenda Date:** 4/3/2017

**In Control:** Board of Adjustment

Case Number: A-17-075  
Applicant: Service King  
Owner: ABP Property Services  
Council District: 6  
Location: 7602 Ingram Road  
Legal: Lot 4, Block 2, NCB 18282  
Description:  
Zoning: "C-3R AHOD" General Commercial Restrictive Alcoholic  
Sales Airport Hazard Overlay District  
Case Manager: Shepard Beamon, Senior Planner

### Request

A request for a special exception to allow a nine (9) foot tall fence in the rear yard, as described in Section 35-514.

### Executive Summary

The subject property is currently Service King, an auto body and collision repair service. The applicant is proposing an eight foot chain link fence with a mesh-like material woven through the links and one foot of barbed wire atop. The current business has suffered from break-ins resulting in damage and theft of vehicles stored at the subject property. The fence will help prevent any other criminal occurrences on-site. There is currently a six solid wood privacy fence enclosing the rear yard. The proposed fence will be in same place as the existing fence.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District	Auto Body and Collision

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“C-2 AHOD” Commercial Airport Hazard Overlay District, “MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Strip Mall, Apartments
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	“C-3NA AHOD” General Commercial Non-alcoholic Sales Airport Hazard Overlay District; “I-1 AHOD” General Industrial Airport Hazard Overlay District	Bank, Self-Storage
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Vacant Lot, Apartments

### **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(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

*A. The special exception will be in harmony with the spirit and purpose of the chapter.*

**The UDC allows residential fencing up to nine feet in height to be permitted by a special exception within commercial zoning districts. The applicant’s request meets the approval criteria for a special exception. Due to the type of business, the subject property is a target for theft and vandalism. The granting of the special exception would deter would-be criminals from entering the premises.**

*B. The public welfare and convenience will be substantially served.*

**Substantial justice will be served as the taller fence height will prohibit any unauthorized persons from entering the site after hours. The fence does not hinder the view for motorists on the adjacent right-of-way.**

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

**The fence would not have any negative impact on the adjacent properties. The abutting properties consist of a vacant lot and three single-family dwellings. The additional fence height, along with its location towards the rear the property, would provide additional screening between the commercial and residential uses.**

*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 fence height would not significantly alter the appearance of the district as this is an existing operating commercial facility. The proposed fence is intended to only provide the site with extra security.**

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

**The special exception will not weaken the purpose of the commercial zoning district as the fencing will comply with all other zoning requirements. The request will improve the operation of the business. Further, the design of the fence does not interfere with the Clear Vision requirements.**

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

Without the requested variance, the owner will be required to maintain a six foot fence height.

### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances, detailed in A-17-075** based on the following findings of fact:

1. The applicant has provided multiple occurrences of break-ins and theft. The special exception would alleviate the concern of future break-ins and provide the site with the needed security.
2. The granting of the variance will not significantly negatively impact the surrounding property owners.