



# City of San Antonio

## Agenda Memorandum

**File Number:**21-5376

**Agenda Item Number:** 8.

**Agenda Date:** 9/20/2021

**In Control:** Board of Adjustment

Case Number:	BOA-21-10300105
Applicant:	Bexar Engineers & Associates
Owner:	Hector Terrazas
Council District:	2
Location:	255 South WW White Road
Legal Description:	Lot 12 & 13, Block 2, NCB 10671
Zoning:	"C-2 CD MLOD-3 MLR-1" Commercial Martindale Military Lighting Region 1 with Conditional Use for Auto and Light Truck Repair
Case Manager:	Kayla Leal, Senior Planner

### **Request**

A request for 1) a variance from the fencing material, as described in Section 35-514, to allow a corrugated metal fence and 2) a special exception from the maximum fence height, as described in Section 35-514, to allow a fence in the front yard to be 6' 7" tall.

### **Executive Summary**

The subject property is located on the corner of South WW White Road and Motel Street. There is currently an Auto and Light Truck Repair business on the subject property, and there are many types of commercial uses along South WW White Road. There is a corrugated metal fence along the side property line and a portion of fencing that is installed past the front façade of one of the warehouses. The section of fencing that is installed past the front façade of the warehouse is considered the front yard, and will be seeking a special exception from the maximum fence height requirement for solid-screened fencing of 3'. The entire fence is constructed of corrugated metal, which requires a variance from the fencing materials. The majority of the fence does have protected edges, however the portion of fencing in the front yard was observed not having any protected edging.

### **Code Enforcement History**

There are no relevant Code Enforcement Violations associated with the subject property.

### **Permit History**

No relevant permits were found for the subject property.

### **Zoning History**

The subject property was annexed into San Antonio City Limits by Ordinance 18115, dated September 25, 1952 and was originally zoned “J” Commercial District by Ordinance 21230, dated May 12, 1955. The “J” zoning district converted to “I-1” following the adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001). The zoning changed to the current “C-2 CD” by Ordinance 2020-03-19-0204, dated March 19, 2020.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
“C-2 CD MLOD-3 MLR-1” Commercial Martindale Military Lighting Region 1 with Conditional Use for Auto and Light Truck Repair	Auto and Light Truck Repair

### **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“C-3 MLOD-3 MLR-1” General Commercial Martindale Military Lighting Region 1 District	Professional Office
South	“C-2 MLOD-3 MLR-1” Commercial Martindale Military Lighting Region 1 District	Restaurant and Parking Lot
East	“C-3 MLOD-3 MLR-1” General Commercial Martindale Military Lighting Region 1 District	Hotel, Vacant Commercial
West	“R-5 MLOD-3 MLR-1” Residential Single-Family Martindale Military Lighting Region 1 with Conditional Use for Auto and Light Truck Repair	Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Eastern Triangle Community Plan and is designated “High Density Mixed Use” in the future land use component of the plan. The subject property is not located within a registered Neighborhood Association.

### **Street Classification**

South WW White Road is classified as a Primary Arterial Type A.  
Motel Street is classified as a local road.

### **Criteria for Review - Variances**

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. The applicant has installed a corrugated metal fence, which requires a variance from the fencing materials. With the commercial use of the property and the heavy amount of commercial uses in the area, the use of corrugated metal distinguishes the commercial from other residential properties. As long as the edges of the corrugated metal are to be protected, the variance does not appear to be contrary to the public interest.

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

A literal enforcement of the ordinance would result in the applicant replacing their fencing with a permitted material. This does not present an unnecessary hardship, as other fencing in the area include chain link and wood. However, the corrugated metal does not detract from the surrounding area and distinguishes the commercial lot from other residential properties.

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. There are no violations with the fence height along the side property line, and the corrugated metal along the side property line has protected edges. The spirit of the ordinance appears to be observed.

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.*

Staff does not find the use of corrugated metal in this case to cause any substantial injury to adjacent conforming properties. The essential character of the district will be maintained as there are many commercial properties in the immediate area, and the corrugated metal fencing in this case allows the public to distinguish the commercial lot from the neighboring residential.

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 finds the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property such as the location along a major commercial corridor, but also right at the entry way of a residential neighborhood. The variance to the fencing material in this cases allows for a clear boundary between commercial lots and residential lots.

### **Criteria for Review - Fence Height**

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 states the Board of Adjustment can grant a special exception for a fence height modification. The additional fence height was observed upon the site visit in a portion of the front yard and, if granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance.**

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

**The subject property is zoned commercial, which allows up to a 3' solid screened fence in the front yard. The fence does not run along the front property line, but is installed past the front façade of an existing warehouse. This portion of fencing does not cause any clear vision issues but is just encasing commercial operation on the property. The request appears to substantially serve the public welfare and convenience.**

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

**The fence will create enhanced security and privacy for the subject property and is unlikely to substantially injure any neighboring properties.**

*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 additional height for the section of front yard fence will not alter the essential character of the district. The fence is setback from the front property line, which does not appear as altering to the district.**

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

**The current zoning permits the current use of an auto and light truck repair shop. The requested special exception will not weaken the general purpose of the district.**

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

The alternative to the applicant's request is to conform to the Fence Height and Fence Material Regulations of Section 35-514.

### **Staff Recommendation - Fence Material Variance**

Staff recommends **Approval** in **BOA-21-10300105** based on the following findings of fact:

1. The corrugated metal shall have protected edges to serve the public interest; and
2. The corrugated metal distinguishes the commercial lot from any residential lots in the neighborhood; and
3. The solid screening of the corrugated metal allows for privacy and reduces the ability to view commercial operations on the property from neighboring residential properties.

### **Staff Recommendation - Front Yard Fence Special Exception**

Staff recommends **Approval** in **BOA-21-10300105** based on the following findings of fact:

1. The fence past the front façade of the warehouse measures 6' 7" in height; and
2. The additional height will provide additional security to the commercially zoned property; and
3. The fence is in line with the primary auto shop on the property; and
4. The fence height does not detract from the character of the neighborhood.