



City of San Antonio

Agenda Memorandum

Agenda Date: May 5, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300055

APPLICANT: Brandon Wurz

OWNER: M&D Diversified Industries LLC

COUNCIL DISTRICT IMPACTED: District 4

LOCATION: 9419 Poteet Jourdanton Freeway and 2314 Palo Alto Road

LEGAL DESCRIPTION: Lot 341E, Block 35, NCB 11134 and south 73.98 of west irregular 132.76 of Lot 34, Block 35, NCB 11134

ZONING: "C-3 MLOD-2 MLR-1 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

CASE MANAGER: Jewel Polimis, Planner

A request for

1) A 3' special exception from the maximum 3' fence height to allow a 6' solid fence in the front yard.

Section 35-514 (c)

2) A variance from the fence materials to allow for a corrugated metal fence.

Section 35-514 (a)(2)(c)

Executive Summary

Subject property is located just north of Palo Alto College. The current use is an auto repair business and a residential structure. The residential structure appears to be a nonconforming single-family dwelling. The property is fronting Poteet Jourdanton Freeway and backs up to Palo Alto

Road. The property currently has a corrugated metal gate/fence on the lot built after 2008, which would require a fence material variance. The application will allow additional corrugated metal fencing around the property, including the front yard with a fence height special exception. The auto repair business is surrounded by commercial district with commercial and residential uses, and the dwelling is abutting a residential district with residential use.

Code Enforcement History

No Code Enforcement history found.

Permit History

COO-NOCONST24-37900745 – July 18, 2024 – Certificate of Occupancy - Auto and Light Truck Repair (includes motorized vehicles such as motorcycles and all-terrain vehicles)

Zoning History

Subject property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and zoned “B” Residence District. The property was rezoned by Ordinance 48149 dated, June 16, 1977, to “B-3” Business District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “B-3” Business District to “C-3” General Commercial District.

Subject Property Zoning/Land Use

Existing Zoning

“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Auto Repair and Dwelling Unit

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“C-3 NA MLOD-2 MLR-1 AHOD” General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and “C-2 MLOD-2 MLR-1 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Commercial and Dwelling Unit

South

Existing Zoning

“C-3 MLOD-2 MLR-1 AHOD” General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and “R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Commercial and Dwelling Unit

East**Existing Zoning**

ROW

Existing Use

Poteet Jourdanton Freeway

West**Existing Zoning**

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Dwelling Units

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the “West & Southwest Sector Plan” and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is not located the notification area of any Neighborhood Association or Community Organization.

Street Classification

Poteet Jourdanton Freeway is classified as a Primary Arterial Type A.

Palo Alto Road is classified as a Local Street.

Criteria for Review – Fence Material

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 adhering to fence material guidelines to provide uniformity, safety, security, and appeal to neighborhood characteristics. The fence material variance is contrary to the public interest as the fence material utilized is prohibited within the city.

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

A literal enforcement of the fence material ordinance would not result in unnecessary hardship as the applicant can construct a fence and reconstruct the gate in compliance with the Unified Development Code’s guidelines that provides security and privacy while utilizing an allowed material.

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

The requested fence material variance does not appear to be in the spirit of the ordinance as the

fence material utilized is prohibited within the city and approved use of corrugated fencing was not observed in the immediate surrounding area.

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 finds that the fence material variance would substantially injure the appropriate use of adjacent properties as the fence material utilized is prohibited within the city and is abutting commercial and residential lots that are utilizing allowable fence materials.

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 no unique circumstances existing on the property for the fence material variance as security and privacy can be afforded by using allowed fence materials.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

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. If granted, staff finds the request would not be in harmony with the spirit and purpose of the ordinance, as the front yard privacy fence would reduce security monitoring due to lack of visibility and eliminates an approachable appearance to the property.

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

In this case, these criteria are represented by fence heights to protect property owners while still promoting a sense of community. The fence does not appear to serve the public welfare, as it would prevent adequate security monitoring in the front yard.

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

The fence height special exception will substantially injure neighboring properties by obstructing views and creating an inconsistent appearance.

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 fence height in the front yard appears to alter the location for which the special exception is sought as it would create an unwelcoming and overly defensive fence in the front yard.

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

The requested special exception will weaken the general purpose of the district as the special exception would decrease visual openness, enclose the entire property and create a fortress-like appearance.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Regulations of Section 35-514 of the Unified Development Code.

Staff Recommendation – Fence Material

Staff recommends Denial in BOA-25-10300055 based on the following findings of fact:

1. The fence material utilized is prohibited within the city and approved use of corrugated fencing was not observed in the immediate surrounding area.
2. The request would substantially injure the appropriate use of adjacent properties as the fence is abutting lots that are utilizing allowed fence materials.

Staff Recommendation – Fence Height

Staff recommends Denial in BOA-25-10300055 based on the following findings of fact:

1. The front yard privacy fence would reduce security monitoring through visibility and eliminate an approachable appearance to the property.
2. The request would injure neighboring properties by obstructing the front yard view and by creating an inconsistent appearance with surrounding properties.