



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 3, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300085

**APPLICANT:** Tony Bokanian

**OWNER:** KAMD Partners LLC

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 9643 New Laredo Highway

**LEGAL DESCRIPTION:** Lot P-84, NCB 14492, and Lot P-11G, NCB 14492

**ZONING:** "C-3R MLOD-2 MLR-1 AHOD" Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A variance from the fence materials to allow for a corrugated metal fence on the property.  
Section 35-514

**Executive Summary**

The subject property is located approximately a half mile north of I-35 S and I-410 interchange, east of Quintana Road, south of Cassin Drive on New Laredo Highway. The property received a Nonconforming Registration for a Used Auto Parts Recycler and Metal Recycling Entity with Outside Storage and Processing. As the property is used as a vehicle salvage and metal recycling facility, the applicant is requesting a corrugated metal variance to retain the existing fence as well as for future expansion along the perimeter of the property, to ensure the safety and privacy of the facility and the public. The issuance of a permit is pending the outcome of the Board of Adjustment.

### **Code Enforcement History**

INV-ZCD24-3140000893 - Zoning - Commercial District- Pending Resolution

INV-SYD-INV24-3080000936 - Salvage Yard

### **Permit History**

The applicant has not yet applied for the building permit.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 81105 dated, December 30, 1994, and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 82683 dated, August 24, 1995, from Temporary "R-1" Single-Family Residence District to "B-3R" Restrictive Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3R" Restrictive Business District converted to "C-3R" General Commercial Restrictive Alcoholic Sales District.

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

#### **Existing Zoning**

"C-3R MLOD-2 MLR-1 AHOD" Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

#### **Existing Use**

Salvage Yard

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

#### **North**

#### **Existing Zoning**

"NP-10 MLOD-2 MLR-1 AHOD" Neighborhood Preservation Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

#### **Existing Use**

Vacant Land

#### **South**

#### **Existing Zoning**

"C-3R MLOD-2 MLR-1 AHOD" Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

"L S MLOD-2 MLR-1 AHOD" Light Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Specific Use Authorization for Truck Repair and Maintenance

#### **Existing Use**

Vacant Land

Trucking Company

#### **East**

#### **Existing Zoning**

“C-3R MLOD-2 MLR-1 AHOD” Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

**Existing Use**

Salvage Yard

**West**

**Existing Zoning**

“C-3R MLOD-2 MLR-1 AHOD” Commercial Restrictive Alcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

**Existing Use**

Salvage Yard

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West/Southwest Sector Plan and is designated as “Agribusiness Tier” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

**Street Classification**

New Laredo Highway is classified as a Secondary Arterial Type A 86’.

Quintana Road is classified as a local road.

**Criteria for Review – Corrugated Metal Fence Variance**

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 the required materials for constructing a fence. The applicant is requesting an exception to the approved fence materials as defined in the Unified Development Code Section 35-514 to allow for a corrugated metal fence. The request is not contrary to the public interest, as the legal established use is a high intense heavy industrial use.

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

Staff found special conditions on the subject property that would permit an exception to the approved fence materials. The size of the lot, requirement of a fence and the approved use will create an unnecessary hardship without the variance.

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 fence appears to observe the spirit of the ordinance, as the established use is a high intensity heavy industrial use.

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 the granting of the variances will not substantially injure the appropriate use of adjacent conforming properties or alter the essential character of the district in which the property is located, as corrugated metal fences exist as nonconforming structures in the area.

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 established use and the existing corrugated metal fences in the area.

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

The alternative to the applicant's request is to conform to the Fence Material Requirements of the UDC Section 35-514(a)(6).

#### **Staff Recommendation – Corrugated Metal Variance**

Staff recommends Approval in BOA-24-10300085 based on the following findings of fact:

1. The established use is a high intensity heavy industrial use.
2. Corrugated metal exists in the area as nonconforming structures.