



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 27, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300243

**APPLICANT:** The Kaufman Group, INC.

**OWNER:** Vulcan Lands Inc.

**COUNCIL DISTRICT IMPACTED:** District 8

**LOCATION:** 12307 Huebner Road

**LEGAL DESCRIPTION:** Lot P-6, NCB 17627, Lot P-13, NCB 17627 and Lot P-5A, NCB 17627

**ZONING:** "R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

**CASE MANAGER:** Vincent Trevino, Senior Planner

**A request for**

1) An 18' variance from the minimum 20' rear setback to allow a 2' rear setback for a barbed wire fence

Section 310.01

2) A 3' variance from the minimum 5' side setback to allow a 2' side setback for a barbed wire fence

Section 310.01

3) A 1' Fence Height Special Exception from the maximum 6' height to allow a 7' barbed wire fence along the rear and side yards.

Section 35-514

### **Executive Summary**

The subject property is located along Huebner Road, east of Vance Jackson. The request is to allow a 7' tall fence, barbed wire within the rear and side setback for an existing quarry/gravel pit on the lot to provide additional security and screening in protecting the quarry and surrounding areas. The quarry was established prior to the City of San Antonio annexing the property in 1985. The property received a Nonconforming use after it was annexed in 1985 and received a Certificate of Occupancy. The quarry/gravel pit is held to the "R-6" zoning district standards for setback requirements and fence height requirements. An existing fence barbed wire fence exists on the property, appears to be in a tattered condition. A barbed wire is approved separately through an administrative variance, however the requested setbacks must be approved by the Board of Adjustment prior to the administrative variance review process. Barbed wire fences approved through an administrative variance must have the strands slanting away from street or adjoining property and permitted to have 18-inches above the fence height so long as the overall height is no more than 10-feet from the ground level.

### **Code Enforcement History**

No Code Enforcement history found.

### **Permit History**

The applicant has not yet applied for a fence permit.

### **Zoning History**

The property was annexed into the City of San Antonio by Ordinance 59772, dated December 30, 1984, and zoned Temporary "R-1" Single-Family Residence District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the zoning converted from Temporary "R-1" Single-Family Residence District to "R-6" Residential Single-Family District.

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

#### **Existing Zoning**

"R-6 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

#### **Existing Use**

Nonconforming Use Rights for Sand or Gravel – Storage and Sales

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

#### **North**

##### **Existing Zoning**

"R-4 MLOD-1 MLR-2 ERZD" Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

##### **Existing Use**

Single-Family Residence; Park

#### **South**

##### **Existing Zoning**

“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

**Existing Use**

Single-Family Residence; Park/Playground

**East**

**Existing Zoning**

“R-6 PUD MLOD-1 MLR-2 ERZD” Planned Unit Development Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

**Existing Use**

Single-Family Residence

**West**

“MF-25 MLOD-1 MLR-2 ERZD” Low Density Multi-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

“R-6 MLOD-1 MLR-2 ERZD” Residential Single-Family Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

“O-2 MLOD-1 MLR-2 ERZD” High-Rise Office Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

“C-2 MLOD-1 MLR-2 ERZD” Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

**Existing Use**

Multi-Family Residence (Apartments); Single-Family Residence; Office

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the North Sector Plan and is designated as “Suburban 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**

Huebner Road is classified as a Principal Primary Arterial A.

**Criteria for Review – Rear and Side Setbacks for Barbed Wire Fence**

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 setback requirements. The variances are not contrary to the public interest as the purpose will be to provide additional security for a working quarry and surrounding residential properties.

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

A literal enforcement of the ordinances would result in unnecessary hardship as the applicant would be unable to provide adequate safety for a working quarry located on the lot.

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

The requested variances appear to be in the spirit of the ordinance as the proposed fence will not adversely impact the surrounding area and will be providing additional needed security to surrounding properties and for the working quarry located on the lot.

*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 variances would not substantially injure the appropriate use of adjacent properties as adequate fencing and securing the lot will also provide security for the surrounding 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 unique circumstances existing on the property is the need for additional security and screening for the working quarry.

#### **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. The fence height being requested is a 7' Barbed Wire fence. Staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the request is for providing additional security and screening for a working quarry.

*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 proposed barbed wire fence does appear to serve the public welfare and convenience, as the additional security and screening provided will add to the security of the area and to the working quarry.

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

The fence height special exception does appear to create additional enhanced security and privacy for the subject and adjacent properties and will not substantially injure said 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 fence height will not alter the location for which the special exception is sought, as the lot is already maintaining a working quarry well beyond the height of the fence.

*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 not weaken the general purpose of the district as it will provide additional safety and security for a working quarry as well as the area in which it is located.

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

The alternative to the applicant's request is to conform to the rear, and side setback requirements of the UDC Sections 35-310.01 and 35-514.

#### **Staff Recommendation – Rear and Side Setback for Barbed Wire Fence Variances**

Staff recommends Approval in BOA-24-10300243 based on the following findings of fact:

1. Additional security and screening is required in protecting a working quarry and surrounding residential properties.
2. The variance will not alter the essential character of the district in which the property is located.

#### **Staff Recommendation – Fence Height Special Exception**

Staff recommends Approval in BOA-24-10300243 based on the following findings of fact:

1. Additional security and screening is required in protecting a working quarry.
2. The special exception will not alter the essential character of the district in which the property is located.