



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 2, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300080

**APPLICANT:** Eneida Flores

**OWNER:** Mahcca 777 LLC

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 2512 SW Loop 410

**LEGAL DESCRIPTION:** Lots 15 and 16, Block 12, NCB 15503

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

**CASE MANAGER:** Jewel Polimis, Planner

**A request for**

1) A 3'-6" special exception from the maximum 5' predominantly open fence to allow a 6' predominantly open fence with 8'-6" support beams.

Section 35-514 (c)

2) A fence material variance to allow corrugated metal fencing in the side and rear yard.

Section 35-514 (a)(6)(d)

**Executive Summary**

The subject property is situated east of SW Loop 410, along the frontage road. Commercial areas predominantly surround the property to the north and south along the frontage road. Historically,

the property has been occupied by various commercial uses, including auto sales, an appliance center, a sports bar, and a cantina. The existing fencing consists of a 6-foot predominantly open fence with 8-foot-6-inch support beams at the front, and corrugated metal fencing at the rear and sides, both of which do not comply with current height and material requirements. The applicant has also been informed of zoning-related issues on the property that must be resolved. These include the need for rezoning to permit the use of the property as a lumber yard and building materials supplier, as well as addressing matters related to outside storage currently taking place on the lot. The current Certificate of Occupancy is for a “Home Improvement Center”; however, that is not the use observed by staff.

### **Code Enforcement History**

INV-PBP-24-3100006515 – Building Without a Permit (Accessory Structure) – Pending Resolution

INV-PBP-23-3100000645 – Building Without a Permit (Fence) - Closed

### **Permit History**

COM-PRJ-APP24-39802683 – Commercial Fence Permit Application – Under Review

COO-NOCONST24-37901298 – Certificate of Occupancy - No Constructions

### **Zoning History**

Subject property was annexed into the City of San Antonio by Ordinance 41422 dated December 25, 1972, and zoned Temporary “R-1” Single-Family Residence District. The property was rezoned by Ordinance 50496, dated March 8, 1979, to “B-3” Business District and “B-3R” Restrictive 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 and “B-3R” Restrictive Business District to “C-3” General Commercial District and “C-3R” General Commercial Restrictive Alcoholic Sales District.

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

#### **Existing Zoning**

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

#### **Existing Use**

Alamo Building Materials (Lumber Yard and Building Materials)

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

#### **North**

##### **Existing Zoning**

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

##### **Existing Use**

Automotive Suspension, Diagnostic, Engine Repair

#### **South**

**Existing Zoning**

“C-2 CD MLOD-2 MLR-1 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with a Conditional Use for Motor Vehicle Sales and “MF-33 S MLOD-2 MLR-1 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District with Specific Use Authorization for a Private Club (Masonic Lodge)

**Existing Use**

Cantina, Private Club (Masonic Lodge)

**East****Existing Zoning**

ROW

**Existing Use**

SW Loop 410

**West****Existing Zoning**

“O-1.5 MLOD-2 MLR-1 AHOD” Mid-Rise Office Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District and “R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Parking Lot, Vacant Land

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the “West/Southwest Sector Plan” and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the notification area of the Lackland Terrace Neighborhood Association, and they have been notified of the request.

**Street Classification**

SW Loop 410 is classified as a Super Arterial Type B.

Altitude Drive is classified as a Local Street.

**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 request well exceeds the maximum height requirements for the front yard fence in commercial districts.

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

The proposed fence does not appear to serve the public welfare and convenience, as there were no fence exceptions approved or constructed like the current fence in the immediate surrounding area.

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

The special exception will substantially injure the neighboring properties as it will create a disproportionate fence height and composition for 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 fence height in the front yard appears to alter the essential character of the location for which the special exception is sought, as no similarly styled fences were observed along the frontage road.

*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 it goes against the established Unified Development Code fence standards and is inconsistent with design guidelines that emphasize landscaping, storefront visibility, or architectural features.

### **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.*

Staff found no special conditions on the subject property that would permit an exception to the approved fence materials as defined in the Unified Development Code Section 35-514(a)(6)(d).

*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 structure does not appear to observe the spirit of the ordinance, as it is constructed from prohibited fencing materials.

*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 abuts 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.

#### **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-25-10300080 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. There are no unique circumstances on the property that merit deviation from the required fence material.

#### **Staff Recommendation – Fence Height**

Staff recommends Denial in BOA-25-10300080 based on the following findings of fact:

1. The request will alter the essential character of the district as no other properties in the immediate area have fences exceeding the regulations of the Unified Development Code in style and height.
2. The request would injure neighboring properties by obstructing the front yard view and by creating an inconsistent appearance with surrounding properties.