



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 6, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300242

**APPLICANT:** Brown & McDonald, PLLC

**OWNER:** Doggett Freightliner Properties III LLC

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 4110 Weichold Road

**LEGAL DESCRIPTION:** P-3 and P-16, NCB 18225 and P-3 and P-16 A-828, CB 5088

**ZONING:** "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service, and Storage

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

**A request for**

1) A 2' variance from the maximum 8' height to allow a 10' masonry fence along the side and rear yard (southwest and southeast portion) of the property.  
Section 35-514

**Executive Summary**

The subject property is located at the intersection of Weichold Road and IH-10 East Access Road. The proposed fence is for Manufactured Home/Oversize Vehicle Sales, Service, and Storage. The approved conditional use is considered an industrial use, which permits an 8' privacy fence. Additionally, the lot is abutting residential properties, which also allows an 8' privacy fence on the side and rear yards. The request is for a zoning variance, as a fence height special exception on a commercially zoned property is limited to 9-feet per Section 35-399.04 of the Unified Development Code.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

The applicant has not yet applied for a fence permit.

**Zoning History**

A portion of the subject property within city limits was annexed into the city by Ordinance 61632, dated October 10, 1985, and was originally zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 70527, dated November 2, 1989, to "B- 2" Business District and "R-A" Residence-Agriculture District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" Business District converted to the current "C-2" Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-A" Residence-Agriculture District converted to the current "NP-10" Neighborhood Preservation District. The southern portion of the property was annexed into the City of San Antonio by Ordinance 2024-11-21-0925, dated November 21, 2024. The entire property was rezoned by Ordinance 2024-11-21-0927, dated November 21, 2024, to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service, and Storage.

**Subject Property Zoning/Land Use****Existing Zoning**

"C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Manufactured Home/Oversize Vehicle Sales, Service, and Storage

**Existing Use**

Vacant

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

"OCL" Outside City Limits

**Existing Use**

Vacant

**South****Existing Zoning**

"R-4 AHOD" Residential Single Family Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**East****Existing Zoning**

“MXD AHOD” Mixed Use Airport Hazard Overlay District and “NP-10 AHOD” Neighborhood Preservation Airport Hazard Overlay District and “R-4 AHOD” Residential Single Family Airport Hazard Overlay District

**Existing Use**

Apartments/Vacant/Single-Family Dwelling

**West**

**Existing Zoning**

“C-3 AHOD” General Commercial Airport Hazard Overlay District

**Existing Use**

Office/Flex

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is not located within any Neighborhood, Sector or SA-Tomorrow Plan. The subject property is not located within the boundary of a registered neighborhood association.

**Street Classification**

Weichold is classified as a Local Road.

IH-10 is classified as an Interstate.

**Criteria for Review – Fence Height 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 maximum fence height in the rear and side property lines. The requested variance is not contrary to the public interest as it is abutting the rear property lines of residential lots.

*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 reduced sound and visual barriers for the residential lots.

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

The requested variance will allow a higher side and rear privacy fence, which will observe the spirit of the ordinance that promotes higher fences on industrial uses and against residential lots.

*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 additional fence height will not substantially injure the appropriate use of the adjacent conforming properties or alter the essential character of the district. The variance will promote the use of the adjacent properties and the essential character of the district by providing additional barriers between the industrial use and the residential properties.

*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 abutting established residential uses.

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

The alternative to the applicant's request is to conform to the Fence Height requirements of the UDC Section 35-514.

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

Staff recommends Approval in BOA-24-10300242 based on the following findings of fact:

1. The proposed variance will add privacy and security to the subject property.
2. The surrounding properties are commercial and residential properties, and the property has an approved conditional use for Manufactured Home/Oversize Vehicle Sales, Service, and Storage.