



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 4, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300192

**APPLICANT:** Alamo Consulting Services

**OWNER:** City of San Antonio

**COUNCIL DISTRICT IMPACTED:** District 3

**LOCATION:** 8822 Garnett Avenue

**LEGAL DESCRIPTION:** Lot 99 and the south 220 feet of Lot 100, Block 8, NCB 11101

**ZONING:** “R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

1) A fence material variance to allow sheet, roll or corrugated metal fencing.  
Section 35-514(a)(6)(d)

2) A 2’ special exception from the maximum 8’ fence height to allow a 10’ fence height.  
Section 35-514 (c)(1)

3) A 19’-11” variance from the minimum 20’ rear setback to allow a 1” rear setback for a razor wire fence.  
Section 35-310.01.

4) A 4’-11” variance from the minimum 5’ side setback to allow a 1” side setback for a razor wire fence.

Section 35-310.01.

5) A 9'-11" variance from the minimum 10' front setback to allow a 1" front setback for a razor wire fence.

Section 35-310.01.

### **Executive Summary**

The subject property is located along Garnett Street, south of West Ansley Boulevard, located within the Harlandale-McCollum Neighborhood Association. The request is to allow sheet, roll, or corrugated metal fencing, a 10' tall fence, razor wire within the setback for an existing City Public Service (CPS) Energy Substation on the lot to provide additional security and screening in protecting critical electric infrastructure. CPS, and other city agencies are excluded from Article III, Zoning and the requirement from a Barbed Wire Administrative Variance, however they are still required to follow Article V, Development Standards of the Unified Development Code. The property is considered a government facility, which permits an 8' perimeter fence.

### **Code Enforcement History**

No relevant code enforcement history.

### **Permit History**

Building permit is pending outcome from the Board of Adjustment.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and was originally zoned "B" Residence District. The property was rezoned by Ordinance 66677, dated February 25, 1988, to "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

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

#### **Existing Zoning**

"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Electric Substation

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

#### **North**

#### **Existing Zoning**

"R-6 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Single-Family Dwelling

## **South**

### **Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

### **Existing Use**

Single-Family Dwelling

## **East**

### **Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

### **Existing Use**

Single-Family Dwelling

## **West**

### **Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

### **Existing Use**

Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within 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 Harlandale-McCollum Neighborhood Association, and they have been notified of this request.

### **Street Classification**

Garnett Street is classified as a Local Road.

### **Criteria for Review – Fence Material and Front, Rear, and Side Setbacks for Razor Wire 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 variances are not contrary to the public interest as the purpose will be to provide additional security to critical electric infrastructure 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 and screening for critical electric infrastructure 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 to the critical infrastructure 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 adequately screening 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 critical electric infrastructure.

#### **Criteria for Review – Fence Height Special Exception**

According to Section 35-482(h) of the UDC, 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 10' privacy 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 critical electric infrastructure.

*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 privacy 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 critical energy infrastructure substation.

*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 critical electric infrastructure 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 the critical electric infrastructure 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 fence material, fence height, and front, rear, and side setback requirements of the UDC Sections 35-514 (a)(6)(d), 35-514, and 35-310.01.

#### **Staff Recommendation – Fence Material and Front, Rear, and Side Setback for Razor Wire Variances**

Staff recommends Approval in BOA-24-10300192 based on the following findings of fact:

1. Additional security and screening is required in protecting critical electric infrastructure 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-24-10300192 based on the following findings of fact:

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