

Case Number:	BOA-23-10300032
Applicant:	Killen, Griffin & Farrimond, PLLC
Owner:	Zarza San Antonio, LP
Council District:	4
Location:	13923 SW Loop 410
Legal Description:	Lot 1, Block 2, NCB 18088
Zoning:	“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Rebecca Rodriguez, Senior Planner

**Request**

A request for 1) a 3' special exception from the maximum 5' fence height, as described in Sec. 35-514, to allow a predominately open gate to be 8' tall in the front property lines and 2) a 2' special exception from the maximum 6' fence height, as described in Sec. 35-514, to allow a predominately open fence to be 8' tall along the side and rear property lines.

**Executive Summary**

The subject property is located at the southeast corner of S. Zarzamora and SW Loop 410 and currently maintains a self-service storage business. The request is to allow the removal of an existing fence to replace with a new 8' predominately open fence that will be located along the side and rear property lines. The front will maintain an 8' predominately open gate that will serve as an access into the property and units. With the property being zoned “C-2” Commercial District, the maximum height permitted for a predominantly open fence along the side and rear property lines is 6' and 5' along the front property lines. The use of a self-service storage business is permitted in both commercial and industrial districts. As per Sec. 35-514, should the business have been located in an industrial district, the 8' fence would have been permitted by right.

**Code Enforcement History**

February 9, 2022: INV-SGN-INV22-23600063 – The sign investigation was closed due to no violation being found.

January 2, 2023: INV-OYT-23-2550000102 – The overgrown yard investigation was closed due to no violation being found.

**Permit History**

June 3, 2021: COM-CEQ-PMT21-40700164 – A permit was issued for upgrades to an existing cell tower.

The permit for the fence is pending the outcome of the Board of Adjustment hearing.

**Zoning History**

The property was annexed by Ordinance 61626, dated December 30, 1985 and originally zoned Temporary “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned Temporary “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District. The property was rezoned by Ordinance 99238, dated May 27, 2004 to “UD” Urban Development District. The property was rezoned from “UD” Urban Development to “C-2” Commercial District by Ordinance 2014-08-07-0557, dated August 7, 2014.

**Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Self-Service Storage

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	ROW	SW Loop 410
South	“MPCD MLOD-2 MLR-2 AHOD” Master Planned Community Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot
East	“MPCD MLOD-2 MLR-2 AHOD” Master Planned Community Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot
West	“C-2 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Convenience Store with gasoline

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Heritage South Sector Plan and is designated “General Urban 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**

SW Loop 410 is an interstate highway while S. Zarzamora Street is classified as an Enhanced Secondary Arterial.

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

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

- 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 proposed 8’ fence will be predominantly open and located along the side (west) property line and rear (south) property line. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance as the request appears to be reasonable and closely aligned with the code.**

- 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 additional fence height will aid with deterring unauthorized personnel on the property while the material will help with not completely isolating the property from the rest of the neighborhood.**

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

**The additional fence height being requested will enhance security for the subject property. The adjacent properties are also zoned for commercial uses therefore the request is unlikely to injure the 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 requested 8' predominately open fence will not alter the essential character of the district as the property is located in an undeveloped area of the City. Lots adjacent to the subject property are currently vacant leading to believe that the character of the district has not yet been established.**

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

**The subject property currently has a self-service storage facility. This use is permitted in both commercial and industrial districts; should the property have been zoned industrial, the 8' fence would have been permitted by right. The request will not weaken the general purpose of the district.**

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

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

### **Staff Recommendation**

Staff recommends **Approval** in **BOA-23-10300032** based on the following findings of fact:

1. The 8' fence will add additional security and privacy to the subject property and immediate area; and
2. The request will not alter the essential character of the district; and
3. Self-Service Storage is both a commercial and industrial use, and an 8' fence would have been permitted by right should the business be located in an industrial district.