

Case Number:	BOA-21-10300130
Applicant:	Heath Wenrich
Owner:	VIA Metropolitan Transit
Council District:	7
Location:	4902 Fredericksburg Road
Legal Description:	Lot 3-C, Block 1, NCB 13300
Zoning:	"I-1 AHOD" General Industrial Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for 1) a 2' variance from the maximum 8' fence requirement, as described in Section 35-514, to allow a 10' solid screened fence along the northern side and rear property lines and 2) a 2' variance from the 8' maximum fence requirement, as described in Section 35-514, to allow a 10' predominantly open fence in the front yard.

Executive Summary

The subject property is located along Fredericksburg Road north of Northwest Loop 410. The subject property currently has a building being renovated to accommodate a new VIA facility. The applicant is proposing to build a 10' solid screen fence along the side and rear property lines and a 10' predominately open fence in the front and southern side property lines.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

There are no relevant permit history violations pending

Zoning History

The subject property was annexed by the City of San Antonio by Ordinance 18115, dated September 24, 1952 and zoned "F" Local Retail District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "F" to the current "C-2" Commercial District, established by Ordinance 93881, dated May 3, 2001. The zoning changed from "C-2" Commercial District to "I-1" General Industrial, per Ordinance 2016-12-01-0948, dated December 1, 2016.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"I-1 AHOD" General Industrial Airport Hazard Overlay District	Proposed VIA Truck Repair and Maintenance Center

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"C-2 AHOD" Commercial Airport Hazard Overlay District	Retail Uses and Multi-Family Uses

South	"I-1 AHOD" General Industrial Airport Hazard Overlay District	San Antonio Humane Society
East	"Multi-Family Airport Hazard Overlay District	Multi-Family Uses
West	"C-2 AHOD" Commercial Airport Hazard Overlay District	Commercial and Office Uses

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Medical Center Area Regional Center Plan and is designated "Business/Innovation Mixed Use" in the future land use component of the plan. The subject property is not located within a Neighborhood Association.

Street Classification

Fredericksburg Road is classified as an Arterial Road.

Criteria for Review – Fence Height Variances

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. The applicant is requesting a variance to the maximum fence height for a 10' solid screened and predominately open fence. The variance to the fence height does not appear to be contrary to the public interest as it will enclose a VIA facility.

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 the applicant constructing a 10' solid screened along the side and rear property lines and a 10' predominately open fence along the front and southern side property lines. The subject property sits at a lower elevation than Fredericksburg Road, so the fence height requirements would impose an unnecessary hardship.

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 10' fence will help maintain safety and security of the business and transit vehicles on the property.

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.*

If granted, the fence will be 10' in height, which is not likely to alter the essential character of the district as there are many commercial uses in the 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 plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. The property surrounded by a 10' fence will help increase security and safety of the business and transit vehicles being stored. The circumstances were not created by the owner and are not merely financial.

Staff Recommendation – Fence Height Variance

Staff recommends **Approval** in **BOA-21-10300130** based on the following findings of fact:

1. The 10' solid and predominately open fence will serve as a safety and security feature for the company and vehicles being stored; and
2. Fredericksburg Road is a busy arterial street with Loop 410 being in close proximity; and
3. The property is unique in that it sits at a lower elevation than Fredericksburg Road.