



City of San Antonio

Agenda Memorandum

Agenda Date: April 15, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300041

APPLICANT: David Guzman

OWNER: David Guzman

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 2140 Frio City Road

LEGAL DESCRIPTION: Lot A-2 EXC W TRI 35.74 FT OF S 164.92 FT OR P-138 R-5 DIST 7 TR 8, NCB A-62 ARB (BCAD 101063)

ZONING: "I-2 MLOD-2 MLR-1 AHOD" Heavy Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

CASE MANAGER: Mirko Maravi, Principal Planner

A request for

- 1) A variance from the fence materials to allow for a corrugated metal fence. (Section 35-514)
- 2) A variance from the drainage and surfacing standards. (Section 35-526)

Executive Summary

The subject property is located west of downtown, on the intersection with West Malone Avenue. The property is surrounded by industrial zoned properties and a railroad right of way to the rear. Code Compliance cited the property for having a corrugated metal fence and parking surface that were not to standard. The corrugated material is a prohibited fencing material and the drainage and surfacing standards require concrete, asphaltic concrete, or asphalt.

Code Enforcement History

INV-ZCD-23-3140001854 – 9/7/2023 – UDC Investigation – Corrugated Metal (Pending BOA results)

INV-ZCD-23-3140001859 – 9/7/2023 – UDC Investigation – Surfacing Standards (Pending BOA results)

Permit History

REP-MBR-APP23-35012085 – 11/2/2023 – Building Permit Re-Roof (Completed)

Zoning History

The subject property was part of the original 36 square miles of the City of San Antonio and zoned “LL” First Manufacturing District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “LL” First Manufacturing District converted to the current “I-2” Heavy Industrial District.

Subject Property Zoning/Land Use

Existing Zoning

“I-2 MLOD-2 MLR-1 AHOD” Heavy Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Vehicle Repair and Long-Term Vehicle Storage

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“I-1 MLOD-2 MLR-1 AHOD” General Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Bar

South

Existing Zoning

“I-2 MLOD-2 MLR-1 AHOD” Heavy Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Industrial Use

East

Existing Zoning

“I-1 MLOD-2 MLR-1 AHOD” General Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Bar

West

Existing Zoning

“I-2 MLOD-2 MLR-1 AHOD” Heavy Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Industrial Use

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Kelly / South San PUEBLO Community Plan and is designated as “Community Commercial” in the future land use component of the plan. The subject property is located within the notification area of Quintana Community Neighborhood Association, and they have been notified of the request.

Street Classification

Frio City Road and West Malone Avenue are classified as Secondary Arterial Type B.

Criteria for Review – Fence Material and Surfacing Standards

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.*

(Fence Material) 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 prohibited fencing material. The corrugated metal fence is contrary to the public interest as the material is prohibited.

(Surfacing Standards) 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 surfacing standards. The surfacing standards is contrary to the public interest as it may create additional dust in the surrounding area and create an environment in which mud is tracked onto the public ROW.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

(Fence Material) A literal enforcement of the ordinance would not result in an unnecessary hardship as other permitted fencing materials could be utilized.

(Surfacing Standards) A literal enforcement of the ordinance would not result in unnecessary hardship as proper surfacing would only enhance the property and its operation.

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

(Fence Material) The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The request does not appear to be in the spirit of the ordinance as the intent of the ordinance was to prevent certain fencing materials.

(Surfacing Standards) The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The request does not appear to be in spirit of the ordinance as no actual improvement has been done to the parking surface.

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.*

(Fence Material) Staff finds that the variance would substantially injure the appropriate use of adjacent properties as the request will allow a prohibited material to change the essential character of the district.

(Surfacing Standards) Staff finds that the variance would substantially injure the appropriate use of the adjacent properties as the current surfacing conditions create dust that adversely affects 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.*

(Fence Material) Staff finds the plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property, but appears to be merely financial.

(Surfacing Standards) Staff finds the plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property. The owner could provide proper drainage and surfacing to be in compliance with the standards.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Material Standards of the UDC Section 35-514 and the Drainage and Surfacing Standards of the UDC Section 35-526.

Staff Recommendation – Corrugated Metal Fence

Staff recommends Denial in BOA-24-10300041 based on the following findings of fact:

1. The corrugated metal will alter the essential character of the district; and
2. The requested variance will introduce a prohibited material, against the spirit of the ordinance.

Staff Recommendation – Surfacing Standards

Staff recommends Denial in BOA-24-10300041 based on the following findings of fact:

1. It may damage ground conditions on the lot and vehicles parked on the lot; and
2. The current surfacing conditions has the potential to create dust and mud that may affect adjacent properties and rights-of-way.