



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-24-10300042

APPLICANT: CDS Muery

OWNER: City of San Antonio

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 2215 Belknap Place

LEGAL DESCRIPTION: Lot 7, Block 9, NCB 7299

ZONING: "I-1 AHOD" General Industrial Airport Hazard Overlay District

CASE MANAGER: Mirko Maravi, Principal Planner

A request for

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

2) An 8'-6" variance from the 30' side setback to allow a barbed wire fence on a 21'-6" side setback. (Section 35-310.01)

Executive Summary

The subject property is located just west of Olmos Park, north of Downtown. The requested variance is for a reduced building setback to allow Barbed Wire fence. Barbed Wire will be reviewed separately through an administrative variance if the Board of Adjustment approves the reduced building setback. A Barbed Wire fence must be located within a building setback, however, the requested variance will only allow the use of a barbed wire, and will not a building

structure. The applicant is also requesting a fence height special exception for a 10' fence along the southern property line and the entrance gate.

Code Enforcement History

No Code Enforcement history found.

Permit History

REQ-CMRORAEVR-24-44400126 – 3/14/2024 – Barbed Wire (Pending BOA results)

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1941, dated May 30, 1940, and originally zoned “J” Commercial District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “J” Commercial District converted to the current “I-1” General Industrial District.

Subject Property Zoning/Land Use

Existing Zoning

“I-1 AHOD” General Industrial Airport Hazard Overlay District

Existing Use

Vacant Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“I-1 AHOD” General Industrial Airport Hazard Overlay District

Existing Use

Supermarket Parking Lot

South

Existing Zoning

“I-1 AHOD” General Industrial Airport Hazard Overlay District

“R-4 NCD-10 AHOD” Residential Single-Family Monte Vista Terrace Neighborhood Conservation Airport Hazard Overlay District

“MF-33 NCD-10 AHOD” Multi-Family Monte Vista Terrace Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Warehouse and Single-Family Dwelling

East

Existing Zoning

“MF-33 NCD-10 AHOD” Multi-Family Monte Vista Terrace Neighborhood Conservation Airport Hazard Overlay District

Existing Use

Apartment

West

Existing Zoning

“I-1 AHOD” General Industrial Airport Hazard Overlay District

Existing Use

Industrial Use

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the North Central 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 Monte Vista Terrace Neighborhood Association, and they have been notified of the request.

Street Classification

Belknap Place is classified as a Local Street.

Criteria for Review – Side Setback

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 distance between residential properties and a fence with Barbed Wire. This will not be contrary to the public interest as it will keep over 21-foot distance and the barbed wire will not run parallel to the residential lots.

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

Staff found special conditional that a literal enforcement of the ordinance would result in unnecessary hardship. The shape of the allows an entrance that abuts the residential properties, requiring a reduced setback for Barbed Wire on the entrance gate.

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

Staff found that the granting of the variance will be in the spirit of the ordinance and substantial justice will be done as it will leave significant room between the residential properties and the Barbed Wire. Additionally, the Barbed Wire location will be at a 90-degree location to the residential property line.

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.*

The requested variance will not substantially injure the appropriate use of the adjacent conforming properties or alter the essential character of the district as it will be located to the rear of the residential properties and the district is surrounded by other industrial zoned lots.

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 found the unique circumstances found on the property are due to circumstances not created by the owner of the property as the shape of the lot allows an entrance only through the area closest to the residential properties.

Criteria for Review – Fence Height Special Exception

According to Section 35-482(h) of the UDC, in order 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 2' fence height special exception, if granted, would be in harmony with the spirit and purpose of the ordinance, as the proposed fence will provide additional separation between the industrial use and the adjacent residential properties.

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 fence appears to serve the public welfare and convenience, as the fence provides privacy to the property owner.

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

The special exception will not injure the neighboring properties as the fence height will not impede traffic or clear vision requirements, will be installed a safe distance from the right-of-way and will enhance privacy for the subject and adjacent residential 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 in the southern property line will not alter the location for which the special exception is sought, as it will provide additional screening from the residential lots to the industrial lot and will not alter the essential character of the district.

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 the placement of the fence will be parallel to the location of the neighboring residential lot's rear yards.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Height Standards of the UDC Section 35-514 and the Side Setback Standards of the UDC Section 35-310.01.

Staff Recommendation – Side Setback to Allow a Barbed Wire Fence

Staff recommends Approval in BOA-24-10300042 based on the following findings of fact:

1. The shape of the allows an entrance that abuts the residential properties, requiring a reduced setback for Barbed Wire on the entrance gate; and
2. It will leave significant room between the residential properties and the Barbed Wire.

Staff Recommendation – Fence Height

Staff recommends Approval in BOA-24-10300042 based on the following findings of fact:

1. It will provide additional screening from the residential lots to the industrial lot and will not alter the essential character of the district; and
2. The placement of the fence will be parallel to the location of the neighboring residential lot's rear yards.