

Case Number:	BOA-24-10300009
Applicant:	Genesis Miranda
Owner:	Miranda Idael Cordoba & Miranda Genesis
Council District:	5
Location:	2235 Frio City Road
Legal Description:	Lot 21, Block 2, NCB 6680
Zoning:	"I-1 MLOD-2 MLR-1 AHOD" General Industrial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A variance to allow a corrugated metal fence, as described in Section 35-514(a)(6), along the side, front, and rear property lines.

Executive Summary

The subject property is located Frio City Road, in the southwest area of the City of San Antonio. The property owner built an 8' privacy fence made of corrugated metal on the front, side, and rear of the property. The property is allowed to have an 8' privacy fence as it is an industrial zoned, however it must be built without any prohibited material. Upon site visits staff observed various similar fences made of the same material along Frio City Road.

Code Enforcement History

INV-PBP-24-3100000265 – Building without a Permit – Corrugated Metal Fence – Pending Resolution

Permit History

COM-PRJ-APP24-39800064 - Minor Structures - Fence

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned “M” Second Manufacturing District. Ordinance 87216 dated January 8, 1998 rezoned the property to “I-1” Light Industry District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “I-1” Light Industry District converted to the “I-1” General Industrial District.

Subject Property Zoning/Land Use

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

Vacant Lot

Surrounding Zoning/Land Use

North

Existing Zoning District(s)

"C-3NA MLOD-2 MLR-1 AHOD" General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.

Existing Use

Sports Field

South**Existing Zoning District(s)**

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

Existing Use

Junkyard

East**Existing Zoning District(s)**

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

Existing Use

Vacant Lot

West**Existing Zoning District(s)**

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

Existing Use

Vacant Lot

Comprehensive Plan Consistency/Neighborhood Association

The subject property is under the Port San Antonio Area Regional Center Plan and has a land use designation of "Urban Mixed Use". The subject property is located near the boundary of the Quintana Community Neighborhood Association, and they have been notified of the request.

Street Classification

Frio City Road is classified as a Secondary Arterial Type B.

Criteria for Review – Corrugated Metal 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. In this case, the public interest is represented by the required materials for constructing a fence. The applicant is requesting an exception to the approved fence materials as defined in the Unified Development Code Section 35-514 to allow for a corrugated metal fence. The request is contrary to the public interest, as corrugated metal is a prohibited material for fence construction and would be uncharacteristic of the surrounding area if allowed.

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

Staff found no special conditions on the subject property that would permit an exception to the approved fence materials as defined in the Unified Development Code Section 35-514(a)(6). While there is a permitted use allows up to a 8' privacy fence around the perimeter of the lot, it must be constructed with permitted materials.

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 structure does not appear to observe the spirit of the ordinance, as it is constructed from prohibited fencing materials.

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 the granting of the variances will substantially injure the appropriate use of adjacent conforming properties or alter the essential character of the district in which the property is located, as the fence is constructed of prohibited fencing materials as defined in the Unified Development Code Section 35-514(a)(6). Upon visiting the site, staff found fences constructed of corrugated metal in the immediate 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 plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property, as there are approved fence materials for constructing a fence outlined in the Unified Development Code Section 35-514(a)(6).

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Fence Material Requirements of the UDC Section 35-514(a)(6).

Staff Recommendation – Corrugated Metal Variance

Staff recommends Denial of BOA-24-10300009 based on the following findings of fact:

1. There are no unique circumstances on the property that merit deviation from the required fence material.