

Case Number:	BOA-23-10300031
Applicant:	Killen, Griffin & Farrimond, PLLC
Owner:	Judivan San Antonio, LP
Council District:	2
Location:	6730 Fairdale Drive
Legal Description:	Lot 26 & the east 40.69 feet of the north irregular 471.44 feet of Lot 4, Block 6, NCB 13512
Zoning:	“C-3 MLOD-3 MLR-2 AHOD” General Commercial Martindale Army Air Field 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 fence 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 less than ½ a mile southwest of the intersection of Eisenhower Road and IH-35 and currently has a self-service storage business. The applicant is requesting a variance to allow an 8' predominately open fence along the front and side property lines due to an increase of unsolicited personnel entering the property. There is currently an existing chain link fence that will be removed and replaced with the proposed fence. With the property being zoned “C-3” Commercial District, the maximum height permitted for a predominantly open fence along the side property lines is 6' and 5' along the front property lines, however along the west property line abutting a railway right of way and 8' fence is permitted by right. 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

January 13, 2023: INV-STE-23-2640001474 – An investigation was opened due to the leaning of a chain link fence but has since been marked as resolved.

January 13, 2023: INV-JNV-23-2810001008 – An investigation was opened due to a parked junk vehicle in the front but has since been marked as resolved.

Permit History

There are no permits on file for the property. The permit for the fence is pending the outcome of the Board of Adjustment hearing.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115 dated, September 25, 1952, and zoned “F” Local Retail Business District. Ordinance 41766 dated February 2, 1973, rezoned the property to “B-3” Business District. The property was converted by 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, to “C-3” General Commercial District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-3 MLOD-3 MLR-2 AHOD” General Commercial Martindale Army Air Field 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	“C-2 MLOD-3 MLR-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot
South	“C-2 MLOD-3 MLR-2 AHOD” General Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Multi-Family Dwellings
East	ROW	IH-35 North
West	“C-2 MLOD-3 MLR-2 AHOD” General Commercial Martindale Army Air Field 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 San Antonio International Airport Vicinity Land Use Plan and is designated “Community Commercial” in the future land use component of the plan. The subject property is located within the boundary of East Terrell Neighborhood Association, and they have been notified of the request.

Street Classification

Fairdale is classified as a collector street.

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 variance is to allow an 8’ predominantly open fence along the front and side property lines. Should the variance be granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance as the request appears to be 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 adjacent property is a railroad right-of-way and further east is an interstate highway. The additional fence height will help add additional security to the property and act as a safety measure to a vulnerable lot.

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 proposed location of the fence will be along the front and side (east) property line. The property to the north is currently vacant and the property to the east has railroad tracks therefore injury to neighboring properties is unlikely.

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 property recently had a code investigation because of a leaning chain link fence located in the front property line. Along with adding additional security, the requested 8' predominately open fence will improve the look of the property. The essential character of the district will not be disrupted by the request.

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-23-10300031** 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.