



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 2, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300074

**APPLICANT:** Law Office of David E. Dilley

**OWNER:** OZ-Castle on Craig LLC

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 133 West Craig Place

**LEGAL DESCRIPTION:** Lot 21, Block 1, NCB 1860

**ZONING:** "MF-33 H AHOD" Multi-Family Monte Vista Historic Airport Hazard Overlay District

**CASE MANAGER:** Joel Vela, Senior Planner

**A request for**

1) A 3' fence height special exception from the maximum 5' fence height to allow an 8' predominantly open fence along the front yard.

Section 35-514(c)(1)

2) A 15'-6" variance from the minimum 25' corner clear vision to allow a 9'-6" corner clear vision.

Section 35-514(a)(2)

3) A 7' variance from the minimum 15' driveway clear vision allows an 8' driveway clear vision.

Section 35-514(a)(2)

**Executive Summary**

The subject property is located at the intersection of West Craig Place and Howard Street, west of North Main Avenue, located within the Monte Vista Historical Neighborhood Association. The applicant requests relief from the Board of Adjustment to allow an 8' predominantly open fence along the front yard due to security and safety concerns. Approval from the Office of Historic Preservation is required if the special exception is approved. On March 21, 2025, the Historic and Design Review Compliance and Technical Advisory Board approved a front yard fence not to exceed 4 feet in height. The applicant is appealing the decision, however, the Board of Adjustment must approve a fence height variance before hearing the appeal, since the proposed fence height exceeds the Unified Development Code standards. The applicant applied for the appeal within 20 days of the decision and will be heard by the Board of Adjustment within 60 days of applying for the appeal, as is required. The issuance of a fence permit is pending the Board of Adjustment's outcome.

### **Code Enforcement History**

INV-PBP-25-3100001180 – Fence – Building without a Permit – Closed

### **Permit History**

The applicant has not yet applied for the building permit.

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned "B" Residence District. The property was rezoned by Ordinance 38848, dated August 20, 1970, to "R-3" Multiple-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned "R-3" Multiple-Family Residence District was converted to the current "MF-33" Multi-Family District.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

"MF-33 H AHOD" Multi-Family Monte Vista Historic Airport Hazard Overlay District

#### **Existing Use**

Apartments

### **Surrounding Property Zoning/ Land Use**

#### **North**

#### **Existing Zoning**

"R-4 H AHOD" Residential Single-Family Monte Vista Historic Airport Hazard Overlay District

#### **Existing Use**

Single-Family Residence

#### **South**

#### **Existing Zoning**

"R-4 H AHOD" Residential Single-Family Monte Vista Historic Airport Hazard Overlay District

#### **Existing Use**

Single-Family Residence

#### **East**

**Existing Zoning**

“R-4 H AHOD” Residential Single-Family Monte Vista Historic Airport Hazard Overlay District

**Existing Use**

Quadruplex

**West****Existing Zoning**

“MF-33 H AHOD” Multi-Family Monte Vista Historic Airport Hazard Overlay District

**Existing Use**

Condos

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Monte Vista Neighborhood Plan, and there is no future land use component of the plan. The subject property is located within the notification area of the Monte Vista Historical Neighborhood Association and the San Antonio District One Resident Association, and they have been notified of the request.

**Street Classification**

West Craig Place is classified as a local street.

Howard Street is classified as a local street.

**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 fence height being requested is an 8’ predominantly open fence along the front yard. If granted, staff finds the request would not be in harmony with the spirit and purpose of the ordinance, as it could disrupt the intended uniformity and visual character of the district.

*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 does not appear to serve the public welfare, as the increased height could negatively affect the overall aesthetics of the neighborhood. Higher fences may obstruct sightlines, particularly for pedestrians and drivers, potentially leading to decreased visibility and safety at street intersections or driveways.

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

The fence special exception creates a visual barrier, making the neighboring property feel more enclosed or isolated, which could adversely affect its curb appeal and the surrounding owner's enjoyment of their outdoor space.

*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 along the front yard appears to alter the appearance of the location for which the special exception is sought, as no similar-styled fences were observed to be in the immediate surrounding area.

*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 weaken the general purpose of the district as it will introduce a predominately open fence along the front yard exceeding the established Unified Development Code fence standards.

### **Criteria for Review – Clear Vision Area Variance**

According to Section 35-482(e) of the UDC, 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 clear visibility around street corners and driveways. This variance would be contrary to the public interest as the introduction of a fence within the minimum required clear vision area would impede visibility for traffic at the intersection and at the driveway approach which would pose a safety concern.

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

There are no special conditions found that would prevent the perimeter fence from being built in a manner so that the minimum required clear vision area is maintained. There is sufficient space on the lot to relocate the fence placement.

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

The variance would be contrary to the spirit of the ordinance, as safety concerns regarding traffic and clear visibility around street corners and driveways would be introduced to this area.

*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.*

This variance would alter the essential character of the district and surrounding area as there is no similar fencing in this area creating similar corner and driveway clear vision concerns.

*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.*

The plight of the owner is not due to any preexisting unique circumstance on the property as there is sufficient space on the property for the fence to have been built outside of the minimum required clear vision areas while simultaneously securing and protecting the privacy of the owner.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Fence Regulations of Section 35-514 of the Unified Development Code.

#### **Staff Recommendation – Fence Height Special Exception**

Staff recommends Denial in BOA-25-10300074 based on the following findings of fact:

1. The request will alter the essential character of the district as no other properties in the immediate area have similar fences.
2. The requested special exception will alter the essential characteristics of the district in which the property is located.

#### **Staff Recommendation – Clear Vision Area Variance**

Staff recommends Denial in BOA-25-10300074 based on the following findings of fact:

1. The request will alter the essential character of the district as no other properties in the immediate area have similar fences.
2. The requested variance will impede visibility at the intersection and driveway approach.