



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 07, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300036

**APPLICANT:** Leroy B Horn III

**OWNER:** Leroy B Horn III

**COUNCIL DISTRICT IMPACTED:** District 1

**LOCATION:** 9115 Callaghan Road

**LEGAL DESCRIPTION:** Northeast 250 feet of southwest 356.55 feet of Lot 4, Block B, NCB 11642

**ZONING:** "R-5" Residential Single-Family District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 3' fence height special exception from the maximum 3' solid front yard fence height to allow a 6' privacy fence in the front yard.

Section 35-514 (c)(1)

**Executive Summary**

Subject property is located Subject property is located on Callaghan Road, southwest of Vance Jackson Road, within blocks of a KIPP Academy. On February 7, 2025, Code Enforcement responded to a Citizen Call for a privacy fence constructed without a permit. The applicant is seeking a 3' fence height variance to allow a 6' front yard fence Permits are pending the outcome of the Board of Adjustment. In 2011, the Board of Adjustment approved a 6' front yard privacy fence height for 9022 Callaghan Road. Multiple side/rear yard fences face Callaghan Road in the area.

**Code Enforcement History**

INV-PBP-25-3100000671 - PMT-Building Without A Permit

**Permit History**

RES-FEN-APP25-31800180 – Residential Fence Application

**Zoning History**

Subject property was annexed into the City of San Antonio by Ordinance 18115 dated, September 24, 1952, and zoned “A” Single-Family Residence District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “A” Single-Family Residence District to “R-5” Residential Single-Family District.

**Subject Property Zoning/Land Use****Existing Zoning**

“R-5” Residential Single-Family District

**Existing Use**

Single-Family Residence

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

“R-5” Residential Single-Family District

**Existing Use**

Single Family Residence

**South****Existing Zoning**

“R-5” Residential Single-Family District

**Existing Use**

Single-Family Residence

**East****Existing Zoning**

“R-5” Residential Single-Family District

**Existing Use**

Single-Family Residence

**West****Existing Zoning**

“R-5” Residential Single-Family District

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the North Sector Plan and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is located within the Women in Film & Television San Antonio and San Antonio Texas District One Resident Association Community Organizations, and they have been notified of the request.

### **Street Classification**

Callaghan Road is classified as a Secondary Arterial Type A

### **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. Staff finds that a 6’ front yard privacy fence would be in harmony with the spirit and purpose of the ordinance, as the street is classified as a Secondary Arterial, and several side/rear yard fences front Callaghan Road.

*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. Staff finds a 6’ front yard fence will serve the public welfare as it will match the existing appearance and previously approved variance.

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

The fence special exception will not injure neighboring properties as the immediate area is dominated with 6’ privacy fences.

*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 front yard does not appear to alter the location for which the special exception is sought, as it will match the immediate 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 for a 6’ privacy front yard fence will not weaken the general purpose as multiple side/rear fences face Callaghan Road.

### **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 Exemption**

Staff recommends Approval in BOA-25-10300036 based on the following findings of fact:

1. The fence will match the multiple side/rear yard fences facing Callaghan Road and the previously approved front yard privacy fence.
2. The fence special exception will not alter the essential characteristics of the district in which the property is located.