



City of San Antonio

Agenda Memorandum

Agenda Date: April 7, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300034

APPLICANT: Rudolph Cavazos

OWNER: Rudolph Cavazos

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: 135 East Palfrey Avenue

LEGAL DESCRIPTION: Lot 9, Block 1, NCB 10853

ZONING: "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

1) A 4'-6" variance from the minimum 5' side setback to allow an attached carport to be 6" from the side setback.

Section 35-310.01

2) A 1' fence height special exception from the maximum 5' fence height to allow the fence gate support beams of a predominately open front yard fence to be 6' in height.

Section 35-514 (c)(1)

Executive Summary

Subject property is located east of Goliad Road, approximately 225' west of the East Palfrey Avenue and Dollarhide Avenue intersection. The applicant, being the property owner, constructed carport without obtaining permits and is requesting a 4'-11" variance to allow an attached carport, to remain 6" from the side setback. During site visits, staff observed the fence/gate support pole

exceeding the front yard fence height. Permits are pending the outcome of the Board of Adjustment.

Code Enforcement History

INV-PBP-25-3100001016 - PMT-Building Without A Permit

Permit History

RES-FEN-APP25-31800239 – Fence

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 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“MF-33 AHOD” Multi-Family Airport Hazard Overlay District

Existing Use

Apartments

South

Existing Zoning

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

East

Existing Zoning

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Restaurant

Single-Family Residence

West

Existing Zoning

“R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Brooks Area Regional Center and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the notification area of the Highland Hills Neighborhood Association, and they have been notified of the request.

Street Classification

East Palfrey Avenue is classified as a local road.

Criteria for Review – Side Setback Variance

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 adhering to setback requirements to provide adequate spacing between properties. The side setback variance is contrary to the public interest as insufficient space will remain for the purposes of water runoff and fire safety concerns and maintenance.

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

A literal enforcement of the side setback ordinances would not result in unnecessary hardship. Developable space exists in the front yard or a reduced carport can cover a vehicle in the side yard.

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

The requested side setback variance does not appear to be in the spirit of the ordinance as insufficient space will remain for the purposes of water runoff and fire safety concerns as well as for the maintenance of the structure.

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 that the side setback variance would substantially injure the appropriate use of adjacent properties as insufficient space will remain for maintenance of the addition and the increased risk of fire spreading would be aggravated.

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 no unique circumstances existing on the property for the side setback variance as the ability to reposition the carport to meet the setback standard exist.

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 for the support beams of a predominately open front yard fence. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the beams for the predominately open fence do not interfere with clear vision or injure the properties within the surrounding area.

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, as the request is limited to the support beams and the remaining front yard fence maintains height regulations.

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

The fence special exception appears to provide additional enhanced security and privacy for the subject and adjacent properties as they are utilized in providing stability for the rolling gate entrance.

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.

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 beams are limited to supporting the rolling gate and the remaining fencing meets UDC requirements.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setback Regulations of Section 35-310.01 and Fence Regulations of Section 35-514 of the Unified Development Code.

Staff Recommendation – Side Setback Variance

Staff recommends Denial in BOA-25-10300034 based on the following findings of fact:

1. Insufficient space will remain for the purposes of water runoff, fire safety, and maintenance of the structure.
2. The requested variance will alter the essential characteristics of the district in which the property is located.

Staff Recommendation – Fence Height Exemption

Staff recommends Approval in BOA-25-10300034 based on the following findings of fact:

1. The fence special exception will not weaken the general purpose of the district as the beams are limited to supporting the rolling gate and the remaining fence meets UDC requirements.
2. The fence special exception will not alter the essential characteristics of the district in which the property is located.