



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 3, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300096

**APPLICANT:** Robert Valle

**OWNER:** Robert Valle

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 515 Rittiman Road

**LEGAL DESCRIPTION:** Lot 15, Block 5, NCB 9788

**ZONING:** "R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Mirko Maravi, Principal Planner

**A request for**

1) A 1' special exception from the maximum 5' fence height to allow a 6' predominantly open fence in the front yard.

Section 35-514

2) A variance from the 50% impervious front yard requirement to allow a front yard with over 50% impervious cover.

Section 35-515(d)

3) A 5' variance from the minimum 15' clear vision to allow a 10' driveway clear vision.

Section 35-514(a)(2)

**Executive Summary**

The subject property is located just north of Terrell Hills and west of Fort Sam Houston. The applicant is requesting an increased fence height, reduced clear vision and increased impervious cover for future developments. Upon site visits, staff observed uneven elevations between the properties and a property line 10' from right of way. No increased impervious cover front yards were observed in the area.

**Code Enforcement History**

INV-AWM-24-2560018299 – Trash in Alley – Closed on 4/4/2024 – Owner Complied

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

The southern portion of the property was annexed into the City of San Antonio by Ordinance 1257, dated August 2, 1944, and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Residential Single-Family District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Surrounding Property Zoning/ Land Use**

**North**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**South**

**Existing Zoning**

Outside City Limits

**Existing Use**

Single-Family Dwelling

**East**

**Existing Zoning**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West**

**Existing Zoning**

"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West & Southwest Sector Plan and is designated as "Suburban Tier" in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

**Street Classification**

Rittiman Road is classified as a Secondary Arterial Type B.

**Criteria for Review – Impervious Cover and Clear Vision**

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 maximum 50% impervious cover on the front yard. This would be contrary to the public interest as it would create an excessive water runoff to abutting properties.

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented reduced driveway clear vision. This would not be contrary to the public interest as sufficient room will remain to existing into the right of way.

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

Staff found no special conditions on the property that could result in unnecessary hardship by following the impervious cover limitation. A suitable size driveway is permitted within the impervious cover limitation.

Staff found special conditions on the property that could result in unnecessary hardship by following the clear vision standard as the fence would need to be pushed back into the front yard.

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

By granting the variance, the spirit of the ordinance will not be observed as the front yard will have reduced impervious cover that can create water overflow and reduce greenspace on the lot.

By granting the variance, the spirit of the ordinance will be observed as a 10' driveway clear vision would remain on the lot.

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.*

The requested impervious cover variance will substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district as the increased impervious cover can cause excess runoff to adjacent properties.

The requested clear vision variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district as the reduced clear vision would allow for safe exiting off of the property.

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 request is not due to unique circumstances existing on the property as the maximum impervious cover provides adequate parking on the lot.

The request is due to unique circumstances existing on the property as the distance from the property line and right of way does not provide enough clear vision distance.

### **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 additional fence height will be in spirit and purpose of the chapter as significant elevation difference exists between the neighboring properties.

*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 special exception will provide proper security for the area.

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

The special exception will not substantially injure neighboring properties as the increase if for 1-foot on unevenly elevated lots.

*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 special exception will not alter the essential character of the district as a 5' fence is permitted in the front yard and an increased 8' fence is permitted in the side and rear yard.

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district*

The increased fence height will not weaken the general purpose of the regulations established as the elevation difference warrants the need for a special exception.

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

The alternative to the applicant's request is to conform to the Impervious Cover, Clear Vision and Fence Height Standards of the UDC Section 35-515(d), Section 35-514(a)(2), and Section 35-514.

#### **Staff Recommendation – Impervious Cover**

Staff recommends Denial in BOA-24-10300096 based on the following findings of fact:

1. The variance will be contrary to the public interest as it can potentially create excess water runoff.
2. The maximum impervious cover standards provide sufficient parking area for the residential lot.

#### **Staff Recommendation – Clear Vision**

Staff recommends Approval in BOA-24-10300096 based on the following findings of fact:

1. The variance will leave sufficient space for safely exiting the lot.
2. The fence location will not alter the essential character of the district.

#### **Staff Recommendation – Fence Height**

Staff recommends Approval in BOA-24-10300096 based on the following findings of fact:

1. The abutting property has significant elevation difference.
2. The increased fence height will provide additional and adequate security for the property owner and surrounding area.