



City of San Antonio

Agenda Memorandum

Agenda Date: April 21, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300026

APPLICANT: Irving Aleman

OWNER: Irving Aleman

COUNCIL DISTRICT IMPACTED: District 7

LOCATION: 3723 Culebra Road

LEGAL DESCRIPTION: Lots 479-480, NCB 11434

ZONING: "C-3NA MLOD-2 MLR-2 AHOD" Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, 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 (c)(1)

2) A variance from the fence materials to allow for a corrugated metal fence.

Section 35-514 (a)(6)(d)

Executive Summary

Subject property is located east of Callaghan Road, situated between Roanoke Street and Maiden Lane along Culebra Road. On December 17, 2024, Code Enforcement investigated the subject property for construction occurring on the property without obtaining permits. The applicant, being the property owner, is requesting the variance to allow a corrugated metal fence, located along the

rear and side yard, to remain on the property. Additionally, during the site visit, Staff found that the front yard fence requires a 1' special exception to allow a 6' predominately open fence in the front yard. Permits are pending the outcome of the Board of Adjustment.

Code Enforcement History

INV-ZCD-24-3140003444 - Zoning - Commercial District
INV-PBP-24-3100006816 - PMT-Building Without A Permit
INV-PBP-24-3100006815 - PMT-Building Without A Permit
INV-PBP-24-3100006814 - PMT-Building Without A Permit
INV-PBP-24-3100006812 - PMT-Building Without A Permit
INV-COI-24-3120006820 - Certificate of Occupancy

Permit History

DEM-DPP-APP24-39100467 - 3723 Culebra Road – Shed
DEM-DPP-APP24-39100466 - Demolition Pedestrian Protection Application
COM-PRJ-APP24-39802832 - Minor Structures - Fencing Project

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. The property was rezoned by Ordinance 58725 dated, May 10, 1984, from "A" Single-Family Residence District to "B-3NA" Business, Non-Alcoholic Sales District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from "B-3NA" Business, Non-Alcoholic Sales District to "C-3NA" Commercial Nonalcoholic Sales District.

Subject Property Zoning/Land Use

Existing Zoning

"C-3NA MLOD-2 MLR-2 AHOD" Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Commercial (under development)

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single Family Residence

South

Existing Zoning

"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Auto Parts Chain

East

Existing Zoning

“C-3 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Restaurant

Shopping Center

West

Existing Zoning

“C-3 MLOD-2 MLR-2 AHOD” Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Used Car Dealership

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West & Southwest Sector Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the notification area of the Culebra Park Neighborhood Association, and they have been notified of the request.

Street Classification

Culebra Road is classified as a Secondary Arterial Type A.

Criteria for Review – Fence Material 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 fence material guidelines to provide uniformity, safety, security, and appeal to neighborhood characteristics. The fence material variance is contrary to the public interest as the fence material utilized is prohibited within the city.

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

A literal enforcement of the fence material ordinances would not result in unnecessary hardship as the applicant can reconstruct a fence in compliance with the Unified Development Code’s guidelines that provides security and privacy while utilizing an allowed material.

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

The requested fence material variance does not appear to be in the spirit of the ordinance as the fence material utilized is prohibited within the city and approved use of corrugated fencing was not observed in the immediate surrounding 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.

Staff finds that the fence material variance would substantially injure the appropriate use of adjacent properties as the fence material utilized is prohibited within the city and is abutting single-family dwellings that are utilizing allowed fence materials.

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 fence material variance as security and privacy can be afforded by using allowed fence materials.

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 6' for the front of the yard. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the predominately open front yard fence does not impede the view of the property or interfere with the sight vision requirements of the right of way.

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 fence appears to serve the public welfare, as the fence provides safety and security for the property and does not injure the properties within the surrounding area.

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

The fence special exception appears to create enhanced security for the subject and adjacent properties.

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 additional 1' height of the predominantly open front yard fence provides additional security for the commercial property and does not detract from the safety or aesthetic standards within the surrounding area.

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 Material Variance

Staff recommends Denial in BOA-25-10300026 based on the following findings of fact:

1. Security can be provided on the lot by a non-prohibited fence material, and use of corrugated metal does not appear to provide any added security.
2. The property is abutting single-family dwellings to the north and the industrial-like fence material will adversely impact the neighborhood look and character.
3. 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-25-10300026 based on the following findings of fact:

1. The fence special exception appears to create additional enhanced security for the property without impeding the safety or aesthetics within the surrounding area.
2. The fence special exception will not alter the essential characteristics of the district in which the property is located.