



# 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-25-10300076

**APPLICANT:** Steve Hazzard

**OWNER:** Steve Hazzard

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 1118 Dawson Street

**LEGAL DESCRIPTION:** Lot 5, Block 1, NCB 3079

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

**CASE MANAGER:** Jewel Polimis, Planner

**A request for**

A 3' special exception from the maximum 3' privacy fence to allow a 6' front yard privacy fence limited to 17' past the front façade and on the eastern property line.

Section 35-514(c)(1)

**Executive Summary**

The subject property is located along Dawson Street, west of New Braunfels Avenue, and is within the Dignowity Hill Neighborhood Association. Code Enforcement responded to a citizen's call for a fence constructed without a permit. Further investigation determined that the as-built fence exceeds the maximum privacy height requirement in the front yard. A permit was issued for the side and rear fence, and a new permit is required for the front yard portion if approved by the Board of Adjustment. The original application made clear the fence was only for the side and rear yard and should not go beyond the front façade of the primary residence.

**Code Enforcement History**

INV-PBP-25-3100002012 – Building Without a Permit – Pending Resolution

**Permit History**

RES-FEN-PMT25-31900507 – Residential Fence Permit – Active

REP-FND-PMT24-35100175 – Foundation Repair Permit – LOC Issued

REP-RRP-PMT-24-35300134 – Residential Repair Permit – LOC Issued

**Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “D” Apartment District. The property was rezoned by Ordinance 70785, dated December 14, 1989, to “R-7” Small Lot Home District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the subject property converted from “R-7” Small Lot Home District to “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 Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

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

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

**Existing Use**

Single-Family Residence

**South****Existing Zoning**

"C-1 MLOD-3 MLR-2 AHOD" Light Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

"C-2 MLOD-3 MLR-2 AHOD" Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

"C-3 MLOD-3 MLR-2 AHOD" General Commercial Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Medical Office, Vacant Land

**East****Existing Zoning**

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

**Existing Use**

Single-Family Residence

**West****Existing Zoning**

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

**Existing Use**

Single-Family Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Eastside Community Area Plan and is designated as "Medium Density Residential" in the future land use component of the plan. The subject property is located within the boundary Dignowity Hill Neighborhood Association.

**Street Classification**

Dawson Street is classified as a local road.

**Criteria for Review – Fence Height Special Exception**

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:

*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 privacy fence abides with the driveway clear vision.

*B. The public welfare and convenience will be substantially served.*

The fence does not appear to interfere with the public welfare and convenience as it is limited to 17-feet past the front façade on the east side, which does not completely isolate the property from the rest of the neighborhood.

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

The neighboring property will not be substantially injured by the proposed special exception, as it has an open yard that abuts the subject property. This open space ensures that there will be no significant loss of light, airflow, or visual openness, and the fence height will not interfere with their existing use of the property.

*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 or the surrounding area, as the additional fence height is limited in scope and specifically situated in a location that minimizes its impact on the broader community. The nature of the project is compatible with the existing characteristics of the district, and its placement ensures that the overall character of the area remains intact.

*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 it pertains only to a small section of the front yard privacy fence standards. The 6-foot privacy fence complies with the driveway clear vision requirements, ensuring safety and maintaining the integrity of the district.

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

The alternative to the applicant's request is to conform to the minimum setback requirements of the UDC Section 35-514(c)(1).

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

Staff recommends Approval in BOA-25-10300076 based on the following findings of fact:

1. The 6' front fence does not obstruct the line of sight for oncoming and exiting vehicles and is limited in length to 17 feet.
2. The fence height special exception will not alter the essential characteristics of the district in which the property is located.