



City of San Antonio

Agenda Memorandum

Agenda Date: May 19, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300069

APPLICANT: The Pauli Group, LLC.

OWNER: The Pauli Group, LLC.

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 5604 Vance Jackson Road

LEGAL DESCRIPTION: Lot SW Irregular 111.5 feet of NW Irregular 113.6 feet of 1, NCB 11668

ZONING: "R-5" Residential Single-family District

CASE MANAGER: Joel Vela, Senior Planner

A request for

1) An 11'-1" variance from the minimum 20' rear setback to allow for an 8'-11" rear setback.
Section 35-310.01

2) A 3'- 5" variance from minimum 5' side setback to allow for a 1'-7" side setback.
Section 35-310.01

3) A 3' variance from the 15' Driveway Clear Vision Area requirement to allow for a 12' Driveway Clear Vision Area.
Section 35-514

4) A 3' Fence Height Special Exception from the maximum 3' height to allow for a 4'-6" fence with 6' stone columns.

Section 35-514

Executive Summary

The subject property is located on the northern corner of the intersection of Vance Jackson Road and Dreamland Road, and southwest of the Trinity Behavioral Health Center. The applicant is proposing the combination of two existing structures into one primary residence and is requesting a side and rear setback variance, a driveway clear vision area variance, and a front yard fence height special exception. Staff verifies the fence was existing prior to 2007, however dated street view photos show there was an addition to the fence after January 2021. The property is under a Code Enforcement investigation for building without a permit and permit issuance is pending the results of the Board of Adjustment.

Code Enforcement History

INV-BLD-INV25-23200553 – 4/07/2025, pending resolution.
INV-BLD-INV24-23201157 – 9/26/2024, pending resolution.
INV-ELE-INV24-23301207 - 9/26/2024, pending resolution.
INV-MEC-INV24-23401149 - 9/26/2024, pending resolution.
INV-PLB-INV24-23501152 - 9/26/2024, pending resolution.

Permit History

RES-RBP-APP25-35501085 – Permit issuance pending BOA decision.

Zoning History

The subject property was annexed by Ordinance 18115, dated September 25th, 1952, and was zoned “A” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “A” Single-Family Residence District was converted to the current “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

Church

East

Existing Zoning

“R-5” Residential Single-family District

Existing Use

Church

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 not located within the boundary of a registered neighborhood association.

Street Classification

Vance Jackson Road is classified as a Secondary Arterial Type A.

Criteria for Review – Setback Variance and Clear Vision Area 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 the building setback and clear vision area requirements of the UDC. Staff finds that, if granted, the side and rear setback variances will leave sufficient space for maintenance and fire spread prevention and the clear vision area variance will not impede the safety of drivers in the area.

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

A literal enforcement of the ordinance would result in unnecessary hardship as the reconfiguration of the existing accessory structure is not possible and the driveway appears to have sufficient space that does not impede the safety of drivers.

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

The spirit of the ordinance appears to be observed as there will be sufficient space between the side and rear property lines and the accessory structure for maintenance and fire spread prevention

and the driveway appears to have a sufficient clear vision area that does not impede the safety of drivers.

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 side and rear setback variances and clear vision area variance will not substantially injure the appropriate use of adjacent conforming property as the rear setback directly abuts a parking lot, the side setback directly abuts open space in the adjacent lot, and the driveway clear vision area variance leaves sufficient space and does not impede the safety of drivers.

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 the plight of the owner of the property for which the variances are sought is due to unique circumstances existing on the property. The property owner would need to relocate the existing residential structure to conform to the UDC requirements.

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. If granted, staff finds the request would be in harmony with the spirit and purpose of the ordinance, as the fence height is similar or lower than other fences in the immediate area and does not impede the view of the property.

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 front yard fence does appear to promote a sense of community as the view to and from the property is not obstructed by the fence height and is lower in height than the fences in the surrounding area.

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

The fence special exception does not appear to substantially injure the neighboring properties as the fence height is not out of character for the surrounding area and creates additional security.

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 alter the location for which the special exception is sought, as similar masonry fences were observed to be present in the immediate surrounding area.

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

The special exception for a 4'-6" tall front yard fence will not weaken the general purpose as multiple fences within the immediate area that face Vance Jackson Road have greater height than the subject property's fence.

Alternative to Applicant's Request

The alternative to the applicant's setback variance request is to conform to the setback, fence height and clear vision area regulations of the UDC Section 35-516 and Section 35-514.

Staff Recommendation – Setback Variances and Clear Vision Area Variance

Staff recommends Approval in BOA-25-10300069 based on the following findings of fact:

1. The side and rear setback variance provides sufficient spacing for maintenance and fire spread prevention and the clear vision area variance provides sufficient space for vehicles to have unobstructed views of the public right-of-way.
2. The setback variance does not appear to substantially alter the essential character of the district in which the property is located.

Staff Recommendation – Fence Height Special Exception

Staff recommends Approval in BOA-25-10300069 based on the following findings of fact:

1. The fence height is appropriate for the area and does not appear to impede the view to and from the property.
2. The special exception does not appear to weaken the general purpose of the district.