



City of San Antonio

Agenda Memorandum

Agenda Date: March 24, 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 2' special exception from the maximum 3' fence height to allow an 5' privacy 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 variances to allow a corrugated metal fence, located along

the rear and side yard, to remain on the property. As portions of the corrugated metal fence extend past the front façade of the primary structure, the applicant requires a 2' special exception to allow a 5' privacy 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 RD – 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 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 5' privacy for the front of the yard. If granted, staff finds the request would not be in harmony with the spirit and purpose of the ordinance, as the ordinance calls for a limited height for front yard privacy fences.

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 does not appear to serve the public welfare, as there were no fences like the proposed design in the immediate surrounding area.

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

The fence special exception does not appear to create any additional enhanced security and privacy for the subject and adjacent properties if it does not conform to the original Unified Development Code combined fence guidelines.

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 appears to alter the location for which the special exception is sought, as no similar styled fences were observed to be 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 requested special exception will weaken the general purpose of the district as it will introduce a front yard privacy fence exceeding the established Unified Development Code fence standards.

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

1. The fence special exception does not appear to create any additional enhanced security and privacy.
2. The requested variances will alter the essential characteristics of the district in which the property is located.