



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** August 19, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300146

**APPLICANT:** Yolanda Alvarado

**OWNER:** Teresa Gonzalez

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 939 Wallace Street

**LEGAL DESCRIPTION:** Lot 12C excluding southwest irregular 125 feet, NCB 8983

**ZONING:** "R-4 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 19' variance from the minimum 25' clear vision to allow a corner with a 6' clear vision. Section 35-514(a)(2).

**Executive Summary**

The subject property is located along Wallace Street and South San Joaquin Avenue, north of Castroville Road, located within the Las Palmas Neighborhood Association as well as the notification boundary of the Los Jardines Neighborhood Association. A fence was constructed without a permit on the corner of Wallace Street and South San Joaquin Avenue. Corner clear vision regulations state privacy fences cannot exceed 3 feet in height within 25 feet of a street corner. A rear privacy fence was erected at 5'-3" placed within 6' of the street corner in violation of the corner clear vision rules.

**Code Enforcement History**

INV-VOB-24-2750015984 - Visual Obstruction – Received May 25, 2024 (Pending Resolution)

**Permit History**

The issuance of build permits is pending Board of Adjustment outcome.

**Zoning History**

The property was annexed into the city of San Antonio by Ordinance 1258, dated August 2, 1944, and was zoned “C” Apartment District. The property was rezoned from “C” Apartment District to “R-7” Small Lot Home District by Ordinance 72510, dated October 18, 2000. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the properties zoned “R-7” Small Lot Home District converted to the current “R-4” Residential Single-Family District.

**Subject Property Zoning/Land Use****Existing Zoning**

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

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

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**South****Existing Zoning**

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**East****Existing Zoning**

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Vacant Lot

**West****Existing Zoning**

“R-5 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Vacant Lot

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West and 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 Las Palmas Neighborhood Association as well as the notification boundary of the Los Jardines Neighborhood Association, and they have been notified of this request.

**Street Classification**

Wallace Street is classified as a Local Road.

South San Joaquin Avenue is classified as a Local Road.

**Criteria for Review – Corner Clear Vision 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 applicant is requesting a variance to the Clear Vision Standards to allow a privacy fence to be 6’ from the corner of Wallace Street and South San Joaquin Avenue. The variance to the Clear Vision Standards appears to be contrary to the public interest as it does not observe the safety of vehicular traffic for those traveling across the intersection.

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

A literal enforcement of the Clear Vision Standards would not result in unnecessary hardship, as the applicant will just need to relocate a portion of the fence.

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

The variance to the clear vision requirements does not appear to observe the spirit of the ordinance since the fence appears to allow for alterations to meet the 25’ Clear Vision Field.

*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.*

If granted, the variance request will injure the appropriate use of adjacent conforming properties. Upon site visits, staff found no other fences or obstructions in the immediate vicinity that were encroaching into the corner clear vision.

*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 variance is sought is not due to unique circumstances existing on the property. The property owner has the option to relocate the fence.

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

The alternative to the applicant's request is to conform to the corner clear vision requirements of the UDC Section 35-514(a)(2).

#### **Staff Recommendation – Corner Clear Vision Variance**

Staff recommends Denial in BOA-24-10300146 based on the following findings of fact:

1. The fence obstructs the vision of oncoming traffic at the Wallace Street and South San Joaquin Avenue intersection.
2. The variance will alter the essential character of the district as no other fences encroached into the clear vision in the immediate vicinity.