



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-25-10300028

APPLICANT: Antonio Medrano

OWNER: Antonio Medrano

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 158 Oriental Avenue

LEGAL DESCRIPTION: Lot 41 and Lot 42, Block 17, NCB 6260

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

CASE MANAGER: Melanie Clark, Planner

A request for

1) A 4'-11" variance from the minimum 5' side setback to allow a 1" from the east side property line.

Sec-35-310.01

2) A request for a 9'-11" variance from the minimum 10' front setback to allow a carport to be 1" from the front setback.

Sec-35-310.01

3) A 1' special exception from the maximum 3' fence height to allow a 4' privacy fence in the front yard.

35-514(c)(1)

Executive Summary

Subject property is located within the northwest corner of the I-35 South and I-90 West interchange, approximately 50' east of Marley Street and Oriental Avenue intersection. On February 4, 2025, Code Enforcement investigated the subject property for building an attached structure and carport without a permit. The applicant, being the property owner, is requesting the variance to allow an attached carport and rear addition to be 1" from the front and side setback. Additionally, during the site visit of the property, Staff found the front yard fence exceeded the maximum front yard fence height and the property owner is requesting a 1' fence height special exception to allow the front yard fence to be 4' in the front yard. Permits are pending the outcome of the Board of Adjustment.

Code Enforcement History

INV-ZPS-25-3160000304 - Zoning - Property Setback

INV-ZPS-25-3160000303 - Zoning - Property Setback

INV-PBP-25-3100000554 - PMT-Building Without A Permit

INV-PBP-25-3100000553 - PMT-Building Without A Permit

Permit History

The applicant has not yet applied for the building permit.

Zoning History

Subject property is a part of the original 36 square miles of the City of San Antonio and zoned "B" Residence District. The property was rezoned by Ordinance 76368 dated, August 27, 1992, from "B" Residence District to "R-5" Single-Family Residence 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-5" Single-Family Residence District to "R-5" Residential Single-Family District.

Subject Property Zoning/Land Use

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

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

“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

East

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

West

Existing Zoning

“R-5 CD MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting
Overlay Military Lighting Region 2 Airport Hazard Overlay District with Conditional Use for a
Duplex

Existing Use

Single Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Nogalitos/South Zarzamora Community Plan and is designated as
“Low Density Residential” in the future land use component of the plan. The subject property is
located within the notification area of the Collins Garden Neighborhood Association, and they
have been notified of the request.

Street Classification

Oriental Avenue is classified as a local road.

Criteria for Review – Side and Front Setback Variances

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. The reduced
setbacks are contrary to public interest as it allows an addition located in the rear of the property
to be 1” from the side setback as well as an attached carport to be 1” from the front and side
setback. Staff finds this distance unsuitable as it does not leave enough space between abutting
property causing increased risk for fire spread and water runoff onto the neighboring property.

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

A literal enforcement of the ordinance would not result in unnecessary hardship, as the attached addition and the carport can be reconfigured to meet Unified Development Code setback regulations.

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

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The reduced front and side setbacks do not appear to observe the spirit of the ordinance as distance from the right of way and the abutting property does not abide UDC standards.

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 reduced front and side setbacks will alter the essential character of the district. The reduced front and side setbacks do not provide the necessary separation between the right of way and neighboring properties resulting in increased risk for fire spread and water runoff onto the neighboring property.

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 are not due to unique circumstances existing on the property as the carport and accessory structure can be reconstructed to meet the setback requirements of Unified Development Code.

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 4' 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 Setback Regulations of Section 35-310.01 and the Fence Regulations of Section 35-514 of the Unified Development Code.

Staff Recommendation – Side and Front Setback Variance

Staff recommends Denial in BOA-25-10300028 based on the following findings of fact:

1. The request will substantially injure the appropriate use of adjacent conforming properties in the surrounding area as a 1" front setback does not provide a suitable distance between the property and right of way.
2. The distant of the attached carport and rear addition from the side setback exceed the regulations the Unified Development Code increasing the risk for fire spread and water runoff onto the neighboring property.

Staff Recommendation – Fence Height Special Exemption

Staff recommends Denial in BOA-25-10300028 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 special exception will alter the essential characteristics of the district in which the property is located.