



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 27, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300251

**APPLICANT:** Jack Lloyd-Reilley

**OWNER:** Jack Lloyd-Reilley

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 1125 Rogers Avenue

**LEGAL DESCRIPTION:** North 42.9 feet of south 92.9 feet of Lot 3, Block C1, NCB 1008

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

**CASE MANAGER:** Colton Unden, Planner

**A request for**

A 1,205 square foot variance from the minimum 4,000 square feet lot size to allow development on a 2,795 square foot lot.

Section 35-310.01

**Executive Summary**

The subject property is located along Rogers Avenue, west of North New Braunfels Avenue. The site is currently a vacant lot, and the applicant is seeking to develop a single-family home on the lot. The current lot square footage is 2,795 below the minimum required 4,000 for an R-4 district. Lot exceeds the "R-4" minimum width requirement of 35-feet.

**Code Enforcement History**

No relevant code enforcement history.

**Permit History**

Building permit is pending outcome from the Board of Adjustment.

**Zoning History**

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

**Existing Use**

Vacant Lot

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**South**

**Existing Zoning**

“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**East**

**Existing Zoning**

“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West**

**Existing Zoning**

“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is located within the SATomorrow 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 Dignowity Hill Neighborhood Association, and they have been notified of this request.

**Street Classification**

Rogers Avenue is classified as a Local Road.

**Criteria for Review – Minimum Lot Size 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 minimum lot size requirements to prevent overcrowding on lots. The minimum lot size variance is not contrary to the public interest as sufficient space will remain to adhere to all other setbacks.

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

A literal enforcement of the minimum lot size ordinances would result in unnecessary hardship as the applicant would be unable to develop the lot as a single-family dwelling and it would be left vacant.

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

The requested minimum lot size variance does appear to be in the spirit of the ordinance as sufficient space will remain to abide by all other setbacks and building requirements.

*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 minimum lot size variance would not substantially injure the appropriate use of adjacent properties as sufficient space will remain to abide by all other setbacks and other similar lot sizes have been observed in the neighborhood in which the variance is requested.

*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 unique circumstances existing on the property for the minimum lot size variance is the lot configuration and dimensions that is otherwise prohibiting development.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the minimum lot size requirements of the UDC Sections 35-310.01.

**Staff Recommendation – Minimum Lot Size Variance**

Staff recommends Approval in BOA-24-10300251 based on the following findings of fact:

1. The development will be able to abide by all other setbacks and zoning requirements.
2. The requested variance will not alter the essential characteristics of the district in which the property is located.