



City of San Antonio

Agenda Memorandum

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-24-10300248

APPLICANT: A-1 Engineering

OWNER: Aida Aguirre and Victor Gomez

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 615 Calle Sur

LEGAL DESCRIPTION: Lot 41 and 42, Block 14, NCB 8870

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

CASE MANAGER: Colton Unden, Planner

A request for

A 10' variance from the minimum 20' rear setback to allow a 10' rear setback for a residential structure.

Section 35-310.01

Executive Summary

The subject property is located along Calle Sur Street, north of West Commerce Street. The site is currently a vacant lot, and the applicant is seeking to develop a single-family home on the lot. Because of the proposed orientation on Calle Sur and the lot dimensions the applicant is requesting a 10' rear setback variance to allow a primary structure to be 10' from the rear property line. Proposed plan is consistent with the required reverse corner lot setback. Applicant will require a Certificate of Determination to build over lot lines.

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 annexed into the City of San Antonio by Ordinance 2590, dated September 5, 1945. The property was zoned by Ordinance 6846, dated March 18, 1948, as "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property converted to the "MF-33" Multi-Family District. The property was rezoned by Ordinance 97385, dated March 27, 2003, 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 Airforce Base Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Vacant Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

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

Existing Use

Single-Family Dwelling

South

Existing Zoning

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

Existing Use

Vacant Lot

East

Existing Zoning

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

Existing Use

Single-Family Dwelling

West

Existing Zoning

“R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Airforce Base 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 West & Southwest Sector Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is not located within any Neighborhood Association.

Street Classification

Calle Sur Street is classified as a Local Road.

North San Gabriel Avenue is classified as a Local Road.

Criteria for Review – Rear Setback 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 setback requirements to provide adequate spacing between properties. The rear setback variance is contrary to the public interest as insufficient space will remain to provide adequate spacing consistent within the character and design of the neighborhood.

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

A literal enforcement of the rear setback ordinances would not result in unnecessary hardship as the applicant can modify building plans to address and orientate off North San Gabriel Avenue consistent with other houses on the street providing an adequate rear setback.

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

The requested rear setback variance does not appear to be in the spirit of the ordinance as insufficient space will remain for the purposes of fire safety as well as for the purposes of aligning with the characteristics and spacing of homes in the neighborhood.

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 rear setback variance would substantially injure the appropriate use of adjacent properties as insufficient space will remain for fire safety as well as for the purposes of aligning with the characteristics and spacing of homes in the neighborhood. Other homes on the street are addressed off of North San Gabriel Avenue allowing the lot depth to be utilized in a manner consistent with setbacks.

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 rear setback variance as the home could be re-orientated and addressed from North San Gabriel Avenue to allow full utilization of the lot depth and build consistent with other homes on the street.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the rear setback requirements of the UDC Sections 35-310.01.

Staff Recommendation – Rear Setback Variance

Staff recommends Denial in BOA-24-10300248 based on the following findings of fact:

1. The proposed home could be re-orientated and addressed off of North San Gabriel Avenue, allowing full utilization of the lot depth.
2. The requested variance will alter the essential characteristics of the district in which the property is located.