



City of San Antonio

Agenda Memorandum

Agenda Date: August 5, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300122

APPLICANT: Kenneth Anthony

OWNER: Kenneth Anthony

COUNCIL DISTRICT IMPACTED: District 4

LOCATION: 2243 West Ansley Boulevard

LEGAL DESCRIPTION: Lot 4, Block 10, NCB 15001

ZONING: "R-5 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

A 15' variance from the minimum 20' rear setback requirement to allow a structure to be 5' from the rear setback.

Section 35-310.01

Executive Summary

The subject property is located west of South Zarzamora Street, just south of Interstate 35 South, along West Ansley Boulevard. The applicant, also being the property owner, is proposing development of a single-family dwelling on the property. Due to the irregular shape of the lot, the applicant is requesting a 15' variance to allow the proposed structure to be 5' from the rear setback. The proposed residential lot would be the northern most lot in the established residential subdivision.

Code Enforcement History

No Code Enforcement history found.

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 18115 dated September 24, 1952, and zoned "B" Residence District. The property was rezoned by Ordinance 90954 dated December 9, 1999, 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 zoning converted to "R-5" Residential Single-Family District.

Subject Property Zoning/Land Use**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

Residential Single Family/Vacant Land

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

"C-3 MLOD-2 MLR-1 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Church

Local road

South**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

Single-Family Residence

East**Existing Zoning**

"C-3 MLOD-2 MLR-1 AHOD" General Commercial Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Church

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

Civic Center/School/Learning Center

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 Villa del Sol Neighborhood Association, and they have been notified of the request.

Street Classification

West Ansley is classified as a Local B 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 maintaining the rear setback requirements to provide a safe distance from neighboring properties. The applicant is requesting a 15' variance from the minimum 20' rear setback requirement to allow a structure to be 5' from the rear property line, which does not appear to be contrary to the public interest due to the unique location, irregular shape of the property and the rear of the property abutting a commercial lot.

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

Staff finds an unnecessary hardship for the rear setback variance due the irregular shape of the lot. The proposed structure does not have ample space to extend to the sides therefore required to limiting the design to accommodate the largest area space of the lot.

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

The requested rear setback variance is to allow a structure to be closer to the rear property line. The request will observe the spirit of the ordinance because the proposed structure will still maintain a reasonable distance between the structure, the neighboring property and adhere to all other setback 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 did not find evidence that the requested rear setback variance would alter the essential character of the district. Due to the asymmetrical shape and location of the property the request would not alter the essential character of the neighborhood.

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.

The rear setback variance is sought is due to unique circumstances existing on the property such proposed structure needing more space due to the configuration of the lot. The variance request is not merely financial.

Alternative to Applicant's Request

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

Staff Recommendation – Rear Setback Variance

Staff recommends Approval in BOA-24-10300122 based on the following findings of fact:

1. The requested variance will maintain a reasonable distance and will adhere all other setback requirements.
2. Due to the asymmetrical shape and location of the property the request would not alter the essential character of the neighborhood.