



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** February 10, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300002

**APPLICANT:** Davidson Homes LLC

**OWNER:** Davidson Homes LLC

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 2543 Dry Moss Way

**LEGAL DESCRIPTION:** Lot 24, Block 23, NCB 18087

**ZONING:** "MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 417 square foot variance from the minimum 4,000 square foot lot size to allow single-family residential development on a 3,583 square foot lot.  
Section 35-310.01

**Executive Summary**

Subject property is located east of Palo Alto Road, within the Applewhite Meadows Subdivision, west of Fuji Court, on Dry Moss Way Cul-de-sac. The applicant, being the property owner, is requesting a 417 square foot minimum lot size variance for proposed single-family residential development on the property. Permits are pending the Board of Adjustment.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

RES-RBP-APP24-35504688- Residential Building Permit Application

**Zoning History**

Subject property was annexed into the City of San Antonio by Ordinance 96558 dated, January 4, 2003, and zoned “DR” Development Reserve. The property was rezoned by Ordinance 2014-08-07-0557, dated August 7, 2014, to the current “MF-33” Multi-Family District.

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

"MF-33 MLOD-2 MLR-2 AHOD" Multi-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**

"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Vacant

**South****Existing Zoning**

"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**East****Existing Zoning**

"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence/Vacant Lot

**West****Existing Zoning**

"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence/Vacant Lot

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Heritage South 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 the boundary of a registered neighborhood association.

### **Street Classification**

Dry Moss Way 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 minimum lot sizes to prevent development crowding into narrow lots. Staff finds this request is not contrary to public interest, as the applicant is abiding by the setback requirements, which will not infringe onto the neighboring properties.

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

In this case, the special condition found on the subject property is the lot size. Without this variance, an unnecessary hardship will prevent the applicant from developing this lot.

*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 applicant is requesting this variance prior to construction. Additionally, all other building requirements, such as setback minimums, building height, and lot density, are all being abided by. The spirit of the ordinance will be observed by granting this variance.

*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 417 square foot variance will not alter the essential character of the district and setback regulations will insure adjacent properties remain uninjured.

*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 is due to unique circumstances existing on the property, such as the narrow width of the lot effecting size. The circumstances do not appear to be merely financial.

**Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Lot and Building Dimension Regulations of Section 35-310.1 of the Unified Development Code.

**Staff Recommendation – Minimum Lot Size Variance**

Staff recommends Approval in BOA-25-10300002 based on the following findings of fact:

1. The request will not alter the essential character of the neighborhood.
2. The property will be abiding by all other dimension and setback requirements.