



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 16, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300081

**APPLICANT:** Ruben Valadez

**OWNER:** Ruben Valadez

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 7523 Happy Valley Drive

**LEGAL DESCRIPTION:** Lot 72, Block 125, NCB 15246

**ZONING:** "R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

**CASE MANAGER:** Jewel Polimis, Planner

**A request for**

A 4'-11" side setback variance from the minimum 5' setback requirement to allow an addition to be 1" from the northern side property line.

Section 35-310.01

**Executive Summary**

The subject property is located on Happy Valley Drive, just north of Old Pearsall Road, in the Lackland City Subdivision. Historical Google imagery indicates that the original carport was constructed outside of the side setback area. An addition to the existing carport was made recently to accommodate the property owner's pet cats. Code Enforcement responded to a citizen complaint of an attached structure constructed within the side setback. Upon investigation, it was determined that the addition had been constructed without permits. Staff's site inspection revealed that the structure is located approximately 1" from the northern side property line. The applicant has

expressed a willingness to reduce the structure's width by cutting it back to 1' from the property line, aligning with the location of the interior support beams.

**Code Enforcement History**

INV-PBP-25-3100002018 – Building Without a Permit (Addition)

INV-ZPS-25-3160001132 – Zoning Property Setback

**Permit History**

No permit history.

**Zoning History**

Subject property was annexed into the City of San Antonio by Ordinance 41419, dated December 25, 1972, and zoned Temporary “R-1” 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 Temporary “R-1” Single-Family Residence District to “R-6” Residential Single-Family District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay

**Existing Use**

Single-Family Residence

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

“R-6 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

**South**

**Existing Zoning**

“R-6 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**

“R-6 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

**West**

**Existing Zoning**

“R-6 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

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the “Port San Antonio Area Regional Center Plan” and is designated as “Low Density Residential” in the future land use component of the plan. The subject property is not located within the notification area of any Neighborhood Associations.

**Street Classification**

Happy Valley Drive is classified as a Local Road.

**Criteria for Review – Side 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 side setback variance is contrary to the public interest as insufficient space will remain for the purposes of water runoff, fire safety concerns, and property maintenance.

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

A literal enforcement of the side setback ordinance would not result in unnecessary hardship, as the applicant can reduce the recent addition.

*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 addition does not appear to observe the spirit of the ordinance, as there are no similarly designed additions located in the surrounding area, and fire and water hazards will greatly increase due to inadequate spacing between properties.

*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 side setback variance would substantially injure the appropriate use of adjacent properties as insufficient space will remain for maintenance of the addition, water runoff will increase, and fire spreading would be greatly aggravated.

*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 side setback variance. The addition to accommodate the property owner's pets could have been constructed to the rear of the existing carport, where there is adequate and maintainable space from the rear and side setbacks.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the side setback standards of Section 35-310.01 of the Unified Development Code.

#### **Staff Recommendation – Side Setback Variance**

Staff recommends Denial in BOA-25-10300081 based on the following findings of fact:

1. Insufficient space will remain for the purposes of water runoff, fire safety, and maintenance of the structure.
2. The requested variance will alter the essential characteristics of the district in which the property is located.