



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 5, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300042

**APPLICANT:** Estela Villarreal

**OWNER:** Estela Villarreal

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 714 Chihuahua Street

**LEGAL DESCRIPTION:** Lot 8, Block 5, NCB 2463

**ZONING:** “MF-33 WQ MLOD-2 MLR-2 AHOD” Multi-Family West Side Creeks Water Quality Protection Area Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Manuel Mottu, Planner

**A request for:**

A 2’ rear setback variance from the minimum 20’ rear setback to allow an 18’ rear setback.  
Section 35-310 (Table 310-1)

**Executive Summary**

The subject property is located along Chihuahua Street, North of Zarzamora Creek, and within the Historic Westside Residents Neighborhood Association. The applicant is requesting a setback variance approval from the Board of Adjustment to allow for a rear setback of 18’ from the new addition. The lot does not abut a right-of-way or easement, which would reduce the rear setback. The property is under a Code Enforcement investigation for construction without a permit in place; permit issuance is pending a Board of Adjustment outcome.

**Code Enforcement History**

INV-PBP-25-3100000100 – PMT-Building Without A Permit

INV-PBP-25-3100000101 – PMT-Building Without A Permit

**Permit History**

RES-RBP-APP25-35500269 – Residential Building Permit

**Zoning History**

The subject property is within the Original 36 square miles of the City of San Antonio and was zoned “J” Local Retail District. The property was rezoned by Ordinance 75720, dated May 7<sup>th</sup>, 1992, from “J” Local Retail District to “R-3” Multi-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-3” Multi-Family Residence District was converted to “MF-33” Multi-Family District.

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

“MF-33 WQ MLOD-2 MLR-2 AHOD” Multi-Family West Side Creeks Water Quality Protection Area Overlay 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 WQ MLOD-2 MLR-2 AHOD” Multi-Family West Side Creeks Water Quality Protection Area Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

**South****Existing Zoning**

“MF-33 WQ MLOD-2 MLR-2 AHOD” Multi-Family West Side Creeks Water Quality Protection Area Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Zarzamora Creek

**East****Existing Zoning**

“MF-33 WQ MLOD-2 MLR-2 AHOD” Multi-Family West Side Creeks Water Quality Protection Area Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Residence

## **West**

### **Existing Zoning**

“MF-33 WQ MLOD-2 MLR-2 AHOD” Multi-Family West Side Creeks Water Quality Protection Area Overlay Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

### **Existing Use**

Parking Lot

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Guadalupe Westside Community Plan and is designated as “Medium Density Residential” in the future land use component of the plan. The subject property is located within the notification area of Historic Westside Residents Neighborhood Association, and they have been notified of the request.

### **Street Classification**

714 Chihuahua Street is classified as a local street.

### **Criteria for Review – 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 minimum setback requirements for single-family residential structures. Staff finds the reduced setbacks to be of no impact to the neighboring properties as the property does not abut residential in the rear.

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

Staff found special conditions existing on the property as limited development space is available for constructing an addition and adhering to the restrictions on a small residential 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 request appears to be in the spirit of the ordinance, as the variance will leave sufficient space in the rear yard.

*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.*

If granted, the rear setback variance will not substantially injure the appropriate use of the neighboring, conforming properties as the rear property line abuts a resident parking area.

*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 variance is sought is due to unique circumstances existing on and near the property, such as the small lot size and the proximity of adjacent properties.

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

The alternative to the applicant's request is to conform to the "R-4" Residential Single-Family District rear setback requirements of the UDC Section 35-310.01(b) Table 310-1(Note 4).

#### **Staff Recommendation – Rear Setback Variance**

Staff recommends Approval in BOA-25-10300042 based on the following findings of fact:

1. The setback variance request does not appear to impact the surrounding residential properties and abuts resident parking area.
2. Unique circumstances exist on the property such as the small lot size restrictions which leave limited development space.