



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-24-10300131

APPLICANT: Carlos Ruiz

OWNER: Carlos Ruiz

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 111 Del Valle Alley

LEGAL DESCRIPTION: Lot 18 and Lot 19, NCB 2403

ZONING: "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

CASE MANAGER: Colton Uden, Planner

A request for

A 100 square feet variance from the minimum lot size requirement of 4,000 square feet to allow development on 3,900 square feet lot.
Section 35-310.01

Executive Summary

The subject property is located along Del Valle Alley, south of West Cesar E Chavez Boulevard, located within the Historic Westside Residents Neighborhood Association. The lot is currently vacant, and the applicant is requesting a minimum lot size variance in an R-4 to allow development on the lot for a single-family dwelling. Property does not meet requirements for a Non-Conforming Lot of Record.

Code Enforcement History

No relevant code enforcement history.

Permit History

The issuance of build permits is pending Board of Adjustment outcome.

Zoning History

The subject property is within the original 36 square miles of the City of San Antonio and was zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3rd, 2001, the property zoned “B” Residence District was converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Vacant Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

South

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Vacant Lot

East

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

West

Existing Zoning

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay
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Existing Use

Vacant Lot

Comprehensive Plan Consistency/Neighborhood Association

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

Street Classification

Del Valle Alley 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. The applicant is requesting a 100 square foot variance from the 4,000 square foot minimum lot size requirement. The variance request does not appear to be contrary to the public interest as granting the variance would be in line with other lot sizes in the area.

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

A literal enforcement of the ordinance would result in having to rezone which would result in an unnecessary hardship.

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 requirement is there to protect the neighborhood, and there are other single-family homes on similar lot sizes in the area.

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 variance would not substantially injure the appropriate use of adjacent properties as many other lots do not meet the minimum lot size requirements.

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 the property.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the minimum lot size requirements of the UDC Section 35-310.01.

Staff Recommendation – Minimum Lot Size Variance

Staff recommends Approval in BOA-24-10300131 based on the following findings of fact:

1. Other single-family homes in the area are built on similarly sized lots or smaller.
2. It will not alter the essential character of the district.