City of San Antonio

Agenda Memorandum

Agenda Date: April 7, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300014

APPLICANT: Duesouth Properties

OWNER: Duesouth Properties

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 306 Odell Street

LEGAL DESCRIPTION: Lot 29, Block 9, NCB 7308

ZONING: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

CASE MANAGER: Vincent Trevino, Senior Planner

A request for
A 4'-11" variance from the minimum 5' side setback to allow a structure to be 1" from the side property line.
Section 35-310.01

Executive Summary
The subject property is located along Odell Street, east of San Pedro Avenue, located within the Kenwood Neighborhood Association. Applicant stated that the builders missed following the site plan or the property line was misinterpreted at the time of construction and foundational pillars ended up putting the proposed structure within 1" of the property line. The original permit was filed before the RM-4 under 1/3 of an acre rule and showed the structure abiding by a 5 feet setback. The applicant additionally owns the lot that is abutting where the variance is being requested.

Code Enforcement History
No relevant code enforcement history.

Permit History
RES-RBP-APP22-35504875 – Issued
COM-PRJ-APP23-39800972 – Issued
COM-SIT-PMT23-40100332 – Active
RES-RBP-PMT23-36603813 – Active
RES-RBP-PMT23-36603812 – Active
MEP-TRD-APP24-33102359 – Issued

Zoning History
The subject property was annexed into the City of San Antonio by Ordinance 1941 dated May 30, 1940, was zoned "C" Apartment District. The property was rezoned by Ordinance 45259, dated May 15, 1975, to "R-2" Two-Family Residence District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "R-2" Two-Family Residence District to the current "RM-4" Residential Mixed District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use
Existing Zoning
"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Existing Use
Transitional

Surrounding Property Zoning/ Land Use
North
Existing Zoning
"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Existing Use
Medical Clinic

South
Existing Zoning
"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Existing Use
Single-Family Dwelling

East
Existing Zoning
"UZROW" and "MF-33 PUD AHOD" Multi-Family Planned Unit Development Airport Hazard Overlay District
Existing Use
Railroad ROW and Vacant Lot

West
Existing Zoning

"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Existing Use
Vacant Lot

Comprehensive Plan Consistency/Neighborhood Association
The subject property is in the North Central Community Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is located within the Kenwood Neighborhood Association and the San Antonio Texas District One Resident Association, and they were notified of the case.

Street Classification
Odell Street 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, and structure maintenance.

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

A literal enforcement of the side setback ordinances would not result in unnecessary hardship as sufficient space exists to develop on the property and the railroad right-of-way provides additional development area.

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

The requested side setback variance does not appear to be in the spirit of the ordinance as insufficient space will remain for the purposes of water runoff and fire safety concerns as well as for the maintenance of the structure.

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 and the increased risk of fire spreading would be 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 as sufficient development space exists on the lot.

Alternative to Applicant's Request
The alternative to the applicant's request is to conform to the side setback requirements of the UDC Section 35-310.01.

Staff Recommendation – Side Setback Variance
Staff recommends Denial in BOA-25-10300014 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. Sufficient space exists to develop on the property and the railroad right-of-way provides additional development area.