



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 27, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300214

**APPLICANT:** Francisco Lopez

**OWNER:** Frances S. Lopez

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 522 Ceralvo Street

**LEGAL DESCRIPTION:** Lot 11, NCB 6870

**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:** Melanie Clark, Planner

**A request for:**

A 16'-5" variance from the minimum 20' rear setback requirement to allow a structure to be 3'-7" from the rear property line to include a 10" overhang.  
Section 35-310.01

**Executive Summary**

Subject property is located east of South Zarzamora Street, northwest of Frio City Road, on Ceralvo Street. On October 15, 2024, Code Enforcement was contacted in response to a citizen's complaint regarding construction on the subject property. The investigation determined that building permits had not been obtained prior to construction and a stop work was issued. The applicant, being the property owner, is requesting a 16'-5" variance from the minimum 20' rear setback requirement to allow a structure to be 3'-7" from the rear property line to include a 10" overhang. The property previously received a Board of Adjustment approval for a side setback on

December 2, 2024, this request is a continuation of the original request. Permits are pending the results from the Board of Adjustment.

**Code Enforcement History**

INV-BLD-INV24-23201258- Building Investigation  
INV-COM-INV24-22703413- Building Investigation/Complaint  
INV-ELE-INV24-23301304- Electrical Investigation  
INV-MEC-INV24-23401244- Mechanical Investigation  
INV-PLB-INV24-23501249- Plumbing Investigation

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

Subject property was part of the original 36 square miles of the City of San Antonio and zoned “J” Commercial District. With the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001, the zoning converted from “J” Commercial District to “I-1” General Industrial District. The property was rezoned by Ordinance 96343 dated, Sept 12, 2002, from “I-1” General Industrial District to “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**

Single-Family Residence

**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 Residence

**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**

Single-Family Residence

**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 Residence

**West****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 Residence

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Guadalupe Westside Community/Westside Plan and is designated as "Low Density Residential" in the future land use component of the plan. The subject property is located within the notification area of the Collins Garden Neighborhood Association, and they have been notified of the request.

**Street Classification**

Ceralvo Street is classified as a local road.

**Criteria for Review – Rear 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 rear setback variance is contrary to the public interest as insufficient space will remain for the purposes of water runoff and fire safety concerns.

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

A literal enforcement of the rear setback ordinances would not result in unnecessary hardship as the applicant can modify the structure to meet rear setback requirements.

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

The requested rear setback variance does not appear to be in the spirit of the ordinance as it would significantly reduce or eliminate the spacing on the lot.

*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 rear setback variance would substantially injure the appropriate use of adjacent properties as insufficient space will remain between properties and structures and the risk of fire spread would be increased.

*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 on the property to justify the rear setback variance, as other properties in the immediate area appear to be in conformance with the minimum rear setback requirements.

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

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

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

Staff recommends Denial in BOA-24-10300214 based on the following findings of fact:

1. Insufficient space will remain for the rear yard and for greenspace increasing the risk of fire spread and overcrowding the lot.
2. The variance will alter the essential character of the district as other properties in the area appear to comply with setbacks.