



City of San Antonio

Agenda Memorandum

Agenda Date: January 6, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300239

APPLICANT: Linh Vo

OWNER: Max Clique LLC

COUNCIL DISTRICT IMPACTED: District 7

LOCATION: 2456 Cincinnati Avenue

LEGAL DESCRIPTION: Lot 1 and the west 19 feet of Lot 2, Block 14, NCB 9234

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: Vincent Trevino, Senior Planner

A request for

An appeal of the Administrator's decision for a Nonconforming Use Denial.

Executive Summary

Property received a Nonconforming Denial on November 14, 2024, due to the structure not meeting the criteria for nonconforming use. Zoning Staff found the property was annexed in 1947, and zoned "B" Residence District. Per Bexar County records, the structure was constructed in 1948, which only permitted 2 units. The location never had zoning permitted for more than 1 unit. Per Sec 35-D101(j), the subject property is permitted a duplex by right. The property under the "B" Residence District or "R-4" Residential Single-Family District, is permitted an accessory dwelling unit.

Nonconforming Timeline

October 30, 2024 – Applied for Nonconforming Use for Triplex
November 14, 2024 – Denied for Triplex Use

Code Enforcement History

No Code Enforcement history found.

Permit History

No Building permit history found.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 5257, dated June 4, 1947, and zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the property zoned “B” Residence District 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

Single-Family Dwelling

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

Single-Family Dwelling

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
Military Lighting Region 2 Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West/Southwest Sector Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the notification area of University Park Neighborhood Association, and they have been notified of the request.

Street Classification

Cincinnati is classified as a local street.

Board of Adjustment

The Board of Adjustment is asked to determine whether to uphold Staff’s interpretation of Section 35-705(b)(1), Certificate of Nonconforming Use, as it relates to 2456 Cincinnati Avenue.

Conclusion

Staff concludes the use of a Triplex will require a Change of Zoning approval based on Section 35-705(b)(1) based on the following findings of the fact:

- 1) No evidence was provided by the applicant to show the continued use of a Triplex.