



City of San Antonio

Agenda Memorandum

Agenda Date: July 1, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300103

APPLICANT: Alex Moreno

OWNER: Alex Moreno

COUNCIL DISTRICT IMPACTED: District 6

LOCATION: 438 South Acme Road

LEGAL DESCRIPTION: West 97.1 feet of Lot 10, Block 9, NCB 9269

ZONING: “R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

CASE MANAGER: Melanie Clark, Planner

A request for

A request for an 80 square foot variance from the minimum 4,000 square feet to allow development on 3,920 square feet lot.

Sec 35-310.01

Executive Summary

The subject property is located east of Highway 151, south of West Commerce Street on South Acme Road. The applicant, being the property owner, is requesting an 80 square foot variance from the minimum “R-4” 4,000 square foot lot size for residential development on a 3,920 square foot vacant lot. According to Subdivisions, the property was attached to a previous lot and would not qualify for a COD. The applicant has applied for a building permit with development pending the outcome of the Board of Adjustment. No previous dwelling as found to have been on the property.

Code Enforcement History

No Code Enforcement history found.

Permit History

RES-RBP-APP24-35501269 - 438 S ACME RD Alexander Moreno

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 2590 dated, September 5, 1945, and zoned “C” Apartment District. The property was rezoned by Ordinance 68337 dated November 17, 1988, and zoned “R-7” Small Residence Lot District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-7” Small Residence Lot District converted to “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Residential Single-Family

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Residential Single-Family

South

Existing Zoning

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Residential Single-Family

East

Existing Zoning

“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Residential Single-Family

West

Existing Zoning

“MF-25 MLOD-2 MLR-1 AHOD” Multi-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District

Existing Use

Apartment Complex

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West/Westside and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

Street Classification

South Acme Road is classified as a Minor Secondary Arterial Type B.

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. In this case, a 3,920 square foot lot size for a lot zoned “R-4” is not contrary to the public as the 80 square foot variance provides an adequate distance between neighboring lots, allows residential development on a vacant property and the proposed structure will meet setback requirements.

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

A literal enforcement of the minimum lot size standards would result in unnecessary hardship, as the property owner’s options would be limited to change of zoning to accommodate the current lot size or cause the property to remain undeveloped.

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

The variance appears to observe the spirit of the ordinance as an 80 square foot variance will not injure the surrounding properties 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.

If granted, the requested variance will not injure the appropriate use of adjacent conforming properties and would not alter the essential character of the district as the property would retain

the base zoning of the neighborhood and the proposed development will meet remaining UDC zoning 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 as the 3,920 square foot lot does not meet the minimum “R-4” lot size requirements and is unable to qualify for a COD. Due to the current lot size, the property owner’s options for future development are severely restricted.

Alternative to Applicant’s Request

The alternative to the applicant’s request is to rezone the property to accommodate the current lot size (i.e “R-3”) or maintain the vacancy of the lot.

Staff Recommendation – Minimum Lot Size Variance

Staff recommends Approval in BOA-24-10300103 based on the following findings of fact:

1. The 80 square foot area variance provides adequate distance between neighboring lots.
2. The purposed development will meet the remaining UDC zoning requirements.
3. The requested variance will not injure the appropriate use of adjacent conforming properties.