



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 16, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

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

**CASE NUMBER:** BOA-24-10300235

**APPLICANT:** David Rodriguez

**OWNER:** Antonio Maldonado

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 153 Stribling

**LEGAL DESCRIPTION:** East 32.5 feet of Lot 5 and west 4.5 feet of Lot 6 or G, NCB 6319

**ZONING:** "R-6 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**

A request for a 13' variance from the minimum 50' lot width to allow a lot width to be 37'.  
Section 35-310.01.

**Executive Summary**

The subject property is located along Stribling Street, east of Nogalitos Street, located within the Collins Garden Neighborhood Association. The lot is currently vacant, and the applicant is requesting a minimum lot width variance in an "R-6" Residential Single-Family District to allow development of a single-family dwelling. The lot is flanked by multiple lots also zoned "R-6" at the same size, with already developed dwelling units. On August 5, 2024, the property was granted a lot size variance from the Board of Adjustment.

**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 “C” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 3rd, 2001, the property zoned “C” Apartment District was converted to the current “MF-33” Multi-Family District. The subject property was then rezoned by Ordinance 2006-12-14-1441, dated December 11th, 2006, to “R-6” Residential Single-Family District.

### **Subject Property Zoning/Land Use**

#### **Existing Zoning**

“R-6 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**

“IDZ-1 MLOD-2 MLR-2 AHOD” Infill-Development Zone 1 Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District with uses permitted three (3) dwelling units.

#### **Existing Use**

Single-Family Dwelling

#### **South**

#### **Existing Zoning**

“I-1 IDZ-1 MLOD-2 MLR-2 AHOD” General Industrial Infill-Development Zone 1 Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.

#### **Existing Use**

Office/Flex

#### **East**

#### **Existing Zoning**

“R-6 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-6 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 Lone Star Community Plan and is designated as “Low Density Mixed Use” in the future land use component of the plan. The subject property is located within the Collins Garden Neighborhood Association, and they have been notified of this request.

**Street Classification**

Stribling Street is classified as a Local Road.

**Criteria for Review – Minimum Lot Width 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 13’ variance from the minimum 50’ lot width to allow a lot width to be 37’. The variance request does not appear to be contrary to the public interest as granting the variance would be in line with other lot widths 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 not being able to construct a single-family residence 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 width 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 width 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 such as the current configuration of the lots on the block.

**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 Width Variance**

Staff recommends Approval in BOA-24-10300235 based on the following findings of fact:

1. Other single-family homes in the area are built on similar lots with comparable lot width sizes.
2. The variance will not alter the essential character of the district.