

Case Number:	BOA-23-10300213
Applicant:	Jorge Jimenez
Owner:	KJ Investor TX LLC
Council District:	1
Location:	139 Valdez Avenue
Legal Description:	Lot 7, NCB 9582
Zoning:	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for 1) a 15’-2” variance from the minimum 20' rear setback requirement, as described in Section 35-310.01, to allow an addition to be 4’-10” from the rear setback with a 1’-8” overhang and 2) a 2’-3" variance from the minimum 5' side setback requirement, as described in Section 35-310.01, to allow an addition to be 2’-9" from the side setback with an 8” overhang.

Executive Summary

The subject property is along Valdez Avenue and currently has an existing single-family residence. The applicant is constructing an addition that will connect the main structure which will require variances for the rear and side setback requirements due to the proximity to the property lines. A Zoning UDC Investigation was issued for addition encroaching the rear and side setbacks. It abuts a vacant commercial lot to the rear.

Code Enforcement History

Zoning UDC Investigation (INV-ZPS-23-3160001255)- July 2023

Permit History

REP-RPR-PMT-PMT-23-35302282 (Residential Repair Permit)- May 2023

RES-FEN-APP23-31800920 (Residential Fence Application)- July 2023

REP-MBR-APP23-35006015 (Minor Building Repair Application)- May 2023

MEP-GAS-PMT23-34221549 (Plumbing Gas Permit)- July 2023

MEP-PLM-PMT23-34321548 (Plumbing General Permit)- July 2023

MEP-ELE-PMT23-33323644 (Electrical General Permit)- August 2023

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “C” Apartment District. The property was rezoned by Ordinance 83331, dated December 14, 1995 to “R-1” Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-1” Single-Family Residence District converted to the current “R-6” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-2P UC-4 AHOD” Commercial Pedestrian North Saint Mary’s Urban Corridor Airport Hazard Overlay District	Vacant Commercial
South	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
East	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence
West	“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Midtown Regional Center Area Plan and is designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is within the Tobin Hill Community Neighborhood Association and were notified of the case.

Street Classification

Valdez Avenue is classified as a local road.

Criteria for Review – Rear & 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 rear setback of 20’-0” and a side setback of 5’-0” cannot be met as the structure is existing and a new addition will be added, this is not contrary to the public interest.

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

Staff finds hardship on the lot as the structure is existing and the addition would have to have the square footage reduced to meet the rear and side yard setback requirements.

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

The spirit of the ordinance will be observed as the structure cannot meet the 20’ minimum rear setback and 5’ minimum side setback requirement due to a new addition.

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 addition will be 4’-10’ from the rear property line and 2’-9” from the side

property line due to the size of the lot and the proposed square footage of the structure and would not alter the essential character of the district.

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.*

Because of the existing structure with an addition, maintaining a 20' rear setback and 5' side setback is not appropriate for the area, due to the size of the lot and proposed square footage. The request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Setbacks per 35-310.01 of the UDC.

Staff Recommendation – Rear & Side Setback Variance

Staff recommends Approval in BOA-23-10300213 based on the following findings of fact:

1. Due to the size of the lot and the proposed square footage of the structure; and
2. The variance will not alter the essential character of the district.