



# City of San Antonio

## Agenda Memorandum

---

**Agenda Date:** April 15, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300027

**APPLICANT:** Jose Miguel Figueroa Serrano

**OWNER:** Celsa Aguilar Gallegos

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 222 Castroville Road

**LEGAL DESCRIPTION:** Lot 13, Block 1, NCB 7120

**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:** Mirko Maravi, Principal Planner

**A request for**

A 4'-11" variance from the minimum 5' side setback to allow a 1" side setback. (Section 35-310.01)

**Executive Summary**

The subject property is located on the west side of San Antonio, near the intersection of Barclay Street. The property was recently rezoned from commercial to residential, the remainder of the block face is zoned commercial with mostly apparent nonconforming residential use. The original structure had a reduced setback as was permitted with commercial use, however the structure was demolished. The new residential structure is built on the same location, however, must meet the current building code of a 5' side setback. Minimum lot width is 35-feet, property has a 40-foot width.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

DEM-DPP-APP23-39100206 – 6/28/2023 – Demolition Permit (Completed)

RES-RBP-APP24-35500514 – 2/2/2024 – Residential Building Permit (Pending BOA)

**Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “F” Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “F” Local Retail District converted to the “C-2” Commercial District. The property was rezoned by Ordinance 2024-01-25-0069, dated January 25, 2024, 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**

"C-2 MLOD-2 MLR-2 AHOD" Commercial Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West**

**Existing Zoning**

"C-2 MLOD-2 MLR-2 AHOD" Commercial 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 not located within any Neighborhood, Sector or SA-Tomorrow Plan. The subject property is located within the notification area of El Charro and Prospect Hill Neighborhood Association, and they have been notified of the request.

**Street Classification**

Castroville Road is classified as a Secondary Arterial Type A.

**Criteria for Review – Side Setback**

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 the reduced side setback. While the setback is reduced, the setbacks are established within the area that directly abuts the neighboring driveway.

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

Staff did find special condition on the property that a literal enforcement of the ordinance would create an unnecessary hardship. The proposed development would be limited in area on the 40-foot lot.

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

By granting the variance, the spirit of the ordinance will be observed as increased separation exists with the adjacent property.

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.*

The requested variance will not substantially injure the use of the adjacent conforming property as there will be significantly reduced distance between structures.

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 unique circumstances existing on the property that warrant the approval of a reduced setback. The current structure and structures in the area maintain a similar setback throughout the area.

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

The alternative to the applicant's request is to conform to the Setback Standards of the UDC Section 35-310.01.

### **Staff Recommendation – Side Setback**

Staff recommends Approval in BOA-24-10300027 based on the following findings of fact:

1. The requested variance will not substantially injure the use of the adjacent conforming property; and
2. The spirit of the ordinance will be observed as increased separation exists with the adjacent property.