



City of San Antonio

Legislation Details (With Text)

File #: 17-2247

Type: Zoning Case

In control: Board of Adjustment

On agenda: 4/3/2017

Title: A-17-079: A request by Malcolm White for a 96 foot variance from the maximum 150 foot lot width to allow a new lot with 246 feet frontage, located at 7339 Seidel Road. Staff recommends Approval. (Council District 10)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Legistar attachments

Date	Ver.	Action By	Action	Result
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Case Number: A-17-079

Applicant: Malcolm White

Owner: Malcolm White

Council District: 10

Location: 7339 Seidel Road

Legal: Lots 13, 14 and 15, Block 5, NCB 12769

Description:

Zoning: “NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District

Case Manager: Margaret Pahl, AICP, Senior Planner

Request

A request for a 96 foot variance from the maximum lot width of 150 feet, as described in Section 35-353, to allow a lot with 246 feet of width.

Executive Summary

The subject property is a home site made up of three parcels created by a plat in 1957. The home was built on one of the parcels and the other two have remained vacant for decades. The properties have always been owned in common and used as a single home site. The applicant recently purchased the property and is hoping to install a swimming pool in the yard. Utility easements created by the original plat are preventing the proposed improvements, triggering an amending plat to combine the lots and eliminate the individual lot lines and easements. The zoning district however includes a maximum lot width, which is being violated by the proposed large lot. When creating a new lot, all of the zoning restrictions must be satisfied.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is not within the boundaries of a Sector Plan or a Community Plan. The subject property is not located within the boundaries of a registered Neighborhood Association.

Criteria for Review

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 not harmed by the creation of a large lot and therefore, the variance is not contrary to the public interest.

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

Literal enforcement of the ordinance would prevent the assemblage of three lots that have been used as a single home site for decades, 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 the intent rather than the strict letter of the law. In this case, the intent of the code is to preserve large lots, and the character of the neighborhood. Therefore, the variance would observe the spirit.

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.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the

“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District.

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.*

Allowing the lots to be combined into a single parcel will preserve the 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.*

The plight of the owner is unique in that the opportunity to preserve large lots is rarely available.

Alternative to Applicant’s Request

Denial of the requested variance will result in the applicant owning three separate lots and unable to build across lot lines.

Staff Recommendation

Staff recommends **APPROVAL** of the requested variances in **A-17-079** based on the following findings of fact:

1. The proposed lot has been functioning as a single home site since 1957;
2. The individual lot lines prevent the owner from using the site as a single home parcel.