



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-7803

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 10/21/2019

**Title:** BOA-19-10300119: A request by Alamo Community Group for 1) a 1,830 square foot variance from the minimum 4,000 square foot lot size to allow 3 lot sizes to be 2,170 square feet, and 2) a 10' variance from the 20' rear setback requirement to allow new structures to be 10' away from the rear property line, located at 824 S San Eduardo Ave. Staff recommends Approval. (Council District 5) (Rachel Smith, Planner (210) 207- 5407, rachel.smith@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BOA-19-10300119 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** BOA-19-10300119

**Applicant:** Alamo Community Group

**Owner:** Alamo Community Group

**Council District:** 5

**Location:** 824 S San Eduardo Ave

**Legal Description:** The west 86.8 feet of LOT 14, 15, & 16 BLK 8 NCB 8980

**Description:**

**Zoning:** "R-4 Randolph MNA MLOD-2 MLR-1 AHOD" Residential Single Family Randolph Military Notification Area Military Lighting Overlay Lackland AFB Annex Airport Hazard Overlay District

**Case Manager:** Rachel Smith, Planner

### Request

Requests for 1) a 1,830 square foot variance from the minimum 4,000 square foot lot size requirement, as described in section 35-310.01, to allow three lot sizes to be 2,170 square feet and 2) a 10-foot variance from the 20-foot rear setback requirement, as described in section 35-310.01, to allow new structures to be 10 feet away from the rear property line.

### Executive Summary

The subject property located at 824 South San Eduardo Ave is a vacant lot purchased for the development of

three single-family residences. The neighborhood is primarily single-story single-family smaller homes with several lots being vacant on this block of south San Eduardo Ave. The applicant will be building single-story homes that are 878 square feet. Each home will be on an individual lot which is 2,170 square feet and 25 feet wide. The applicant is seeking both a variance to the lot size and a variance for the rear setback. The property owner, Alamo Community Group is also in the process of applying for a certificate of determination for this property.

**Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 1258, dated August 3, 1944, as “R-7” Small Lot Residential District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-7” Residential District converted to the current “R-4” Residential District.

**Code Enforcement History**

There is no code enforcement history on this property.

**Permit History**

There is no permit history on the property.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-2 MLR-1 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant lot
South	“R-4 MLOD-2 MLR-1 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single Family Dwelling
East	“R-4 MLOD-2 MLR-1 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single Family Dwelling

West	“R-4 MLOD-2 MLR-1 AHOD” Residential Single Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Vacant lot
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**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is within the Westside SATomorrow subarea plan and West Sector plan and is currently designated as General Urban Tier. This property is in the boundaries of the Las Palmas Neighborhood Association.

**Street Classification**

South San Eduardo Avenue is classified as a local street.

**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 represented by minimum lot sizes that provide for consistent development within the neighborhood. The “R-4” Residential Single-Family District is intended for single-family dwelling uses on a minimum lot size of 4,000 square feet. The side setback reduction will provide room for maintenance without trespass and accessibility to light air and open space. The proposed project of detached single-family dwelling meets the intentions of the zoning district and is not contrary to the public interest.**

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

**The literal enforcement of the ordinance would not allow the owner of the property to develop the lot as intended. The lot qualifies for a Certificate of Determination (COD) due to the property having an antiquated plat. In order for new construction, the property must be platted, but because the lot qualifies for a COD the applicant will not need to replat the lot. However, a COD cannot be granted, because the property does not meet the minimum 4,000 square foot lot size requirement, and a single-family dwelling cannot be constructed unless a variance is granted.**

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

**Granting the request will result in substantial justice, because the proposed development of detached single-family dwellings advances the efforts of the zoning designation. The variance will promote infill development on this lot.**

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 by the “R-4” Residential Single Family 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.*

**The surrounding single-family dwellings will not be injured by granting the variance, because the lot size will not create incompatible development, nor will it detract from the character of the community. The character of the surrounding neighborhood will not be altered and the proposed development will be cohesive with the existing pattern of development within the immediate neighborhood.**

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 unique condition present is that the lot has an antiquated plat and in order to build on the property there must be a plat exception approved. A plat exception cannot be approved unless a variance is granted to allow for a smaller lot size to develop single-family dwelling units.**

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

The alternative to the applicant's request is to conform to the setback and lot size limitations established by the Unified Development Code Section 35-310.01.

### **Staff Recommendation**

Staff recommends **APPROVAL** of the variance in **BOA-19-10300119**, based on the following findings of fact:

1. The property is not platted and this is of no fault of the owner, and;
2. The surrounding dwellings are unlikely to be negatively affected by the requested variances, and;
3. The variances will not alter the essential character of the district.