



City of San Antonio

Legislation Details (With Text)

File #: 20-5775

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 10/5/2020

Title: BOA-20-10300078: A request by Brett Henneke for 1) a 1,816 square foot variance from the minimum lot size requirement of 4,000 square feet to allow the lot to be 2,184 square feet and 2) a 10' variance to the rear setback to be allow a 10' setback from the rear property line, and 3) a 10' variance from the required 20' garage entrance to allow a garage to be located 10' from the front property line, located at 211 North Polaris Street. Staff recommends Approval. (Council District 2) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment

Date	Ver.	Action By	Action	Result
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Case Number:	BOA-20-10300078
Applicant:	Brett Henneke
Owner:	Brett Henneke
Council District:	2
Location:	211 North Polaris Street
Legal Description:	South 41.5' of Lot 13, Block 1, NCB 1419
Zoning:	"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for 1) a 1,816 square foot variance from the minimum lot size requirement of 4,000 square feet, as described in Section 35-310.01, to allow the lot to be 2,184 square feet and 2) a 10' variance to the rear setback, as described in Section 35-310.01, to be allow a 10' setback from the rear property line, and 3) a 10' variance from the required 20' garage entrance, as described in Section 35-516(g), to allow a garage to be located 10' from the front property line.

Executive Summary

The subject property is located on the western side of North Polaris Street between Belmont Street and Paso Hondo Street. The property is currently vacant and located mid-block. The property is a portion of the abutting lot to the north, which is the cause in reduction of square footage of the lot to less than 4,000 square feet. The applicant is requesting variances for the minimum lot size, the rear setback requirement, and the garage front setback, in order to have more flexibility in developing the lot. If the variances were granted, the applicant is proposing to develop a single-family residence on the property.

Code Enforcement History

There is no relevant code enforcement history on file for the property.

Permit History

There are no relevant permits pulled for the property.

Zoning History

The subject property is located in the original 1938 San Antonio City Limits and was zoned “B” Residence District. The zoning converted from “B” to “R-4” Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential
South	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential

East	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential
West	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single family residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Arena District/Eastside Community Plan and is designated “Mixed Use” in the future land use component of the plan. The subject property is in the boundaries of the Jefferson Heights Neighborhood Association and as such, they were notified of the case.

Street Classification

North Polaris Street 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 variance is not contrary to the public interest as the applicant is proposing to construct a single family residence on a currently vacant lot. The surrounding area predominately consists of single-family residential, so the request is consistent with the uses in the neighborhood.

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

Staff finds that any special conditions that, if enforced, would result in an unnecessary hardship. The subject property is shallow in depth and has a square footage less than the minimum requirement, so a literal enforcement of the ordinance would create difficulty in constructing a single-family home.

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 intent of the minimum lot dimensions is to create uniformity and protect the public health, safety, and welfare. In this case, the applicant will still maintain the side setback, creating enough

separation from abutting properties.

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 request to reduce the front garage setback, the rear setback, and the lot size do not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to 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.*

Staff finds that the unique size and shape of the lot shall warrant the granting of this request. The applicant was informed of the limitations incurred by the ordinance and submitted the request for a variance prior to construction.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **Approval** of the zoning variance in **BOA-20-10300078** based on the following findings of fact:

1. The lot size of the property is 2,184 square feet; and
2. The depth of the lot is 50'; and
3. The single-family dwelling will maintain the minimum side setbacks once developed; and
4. The garage will be developed 10' from the front property line.