



City of San Antonio

Legislation Details (With Text)

File #: 21-3264
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment

On agenda: 5/3/2021

Title: BOA-21-10300035: A request by Jenny Hernandez for a 1,340 square foot variance to the “R-4” minimum 4,000 square foot lot size requirement to allow the construction of a single-family dwelling, located at 305 Grenet Street. Staff recommends Approval. (Council District 5) (Mirko Maravi, Senior Planner, 210-207-0107, Mirko.Maravi@Sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-21-10300035
Applicant: Jenny Hernandez
Owner: Ian Tyler Ibarra
Council District: 5
Location: 305 Grenet St.
Legal Description: Lot E, Block 3, NCB 2348
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, Senior Planner

Request

A request for a 1,340 square foot variance to the “R-4” minimum 4,000 square foot lot size requirement to allow the construction of a single-family dwelling.

Executive Summary

The subject property is located on Grenet Street, near the intersection with South Colorado Street. It is part of the Guadalupe Westside Neighborhood and adjacent to Alazan Creek. The property is 2,660 square feet and the applicant is requesting a lot size variance to the required 4,000 square feet as stated in Table 310-1 of the Unified Development Code. The lot is currently vacant, and the applicant is planning on building a 1,440 square foot single-family home with a carport and a balcony. The lot does not qualify for a “Non-Conforming

Lot of Record” as it is not in the same configuration as it was when it was zoned “R-4”.

Code Enforcement History

No code enforcement history exists on this property.

Permit History

No permits have been processed for this property.

Clear Vision Review

A review of Clear Vision is not required for this request.

Zoning History

The property is within the original 36 square miles of the City of San Antonio and was originally zoned as “C” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “C” Apartment District converted to the “MF-33” Multi-Family District. The property was rezoned by Ordinance 97325, dated March 13, 2003 to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant
South	“ROW” Right of Way	Street median
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant

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

The subject property is located within the Guadalupe Westside Community Plan and is designated as “Low-Density Residential” in the future land use component of the plan. The subject property is within the boundaries of the Historic Westside Neighborhood Association and as such they were notified.

Street Classification

Grenet 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:

- 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, given the lot constraints, granting the variances still provides adequate accessibility to light, air, and open space. The neighborhood is predominantly surrounded by single-family residential with proximity to Tafolla Middle School and Lanier High School. A new residential dwelling will add to the well-being of the surrounding community.
- Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
A literal enforcement of the ordinance would result in unnecessary hardship. In the absence of variances, the intended redevelopment will not be possible. The lot square footage is below the minimum code requirement, so any development on the lot will require variances.
- 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 of the code, rather than the strict letter of the law. Approving the requested variances will not detract from the intent of the ordinance to provide safety, beauty, and quality of life in the neighborhood. All intents of this law will be observed.
- 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 requested variances will not permit a use not authorized within the district it is located in.
- 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 variances to reduce the lot size would not substantially injure or alter the use or character of adjacent conforming property or character of the district. There are various substandard sized lots on the block and surrounding neighborhood. The variances would not alter the essential character of the vicinity.
- 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 resulted from the exceptional character of the property, which is its size and being used as a neglected rental residence. Abutting lots are in the 100 year flood plain and as configured, cannot be utilized without a lot size variance

Alternative to Applicant's Request

The alternative to the applicant's request is to rezone to "R-2" Single-Family Residential District, which allows a minimum lot size of 2,000 square feet, Unified Development Code, Table 310-1.

Staff Recommendation

Staff recommends **APPROVAL** of **BOA-21-10300035**, based on the following findings of fact:

1. The intended development would provide additional housing in the Guadalupe Westside Neighborhood, and;
2. The requested variances will not detract from the character of the district.