



City of San Antonio

Agenda Memorandum

File Number: 18-6388

Agenda Item Number: 6.

Agenda Date: 11/19/2018

In Control: Board of Adjustment

Case Number: A-18-178
Applicant: Lacie Valadez, Urban Alamo Properties LLC
Owner: Lacie Valadez, Urban Alamo Properties LLC
Council District: 2
Location: 331 East Whittier Street
Legal Description: The South 97.5 feet of the West 38.75 feet of Lot 10, Block 1,
Description: NCB 1670
Zoning: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 222 square foot variance from the minimum 4,000 square foot lot size, as described in section 35-310.01, to allow a lot size to be 3,778 square feet.

Executive Summary

The subject property is located at 331 East Whittier Street west of Yorkshire Place, located in the Arena District. According to BCAD, the subject is 3,778 square feet, which fails to meet the 4,000 square foot minimum lot size for its zoning district. The applicant is seeking a variance to reduce the minimum lot size requirement by 222 square feet to allow for an existing residence. According to the applicant the property was purchased in 2016 and at that time the inspector did not notice the lot size was smaller than permitted. The applicant was seeking to refinance the property and the mortgage company denied their application due to the fact that the lot does not meet the 4,000 square foot minimum lot size for its zoning district. The existing home was built in 1920 and cannot be expanded as the surrounding properties are already developed. This is a small street with compact lots.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

Last permit for general repairs was obtained on February 6th, 2014.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Dwelling
South	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Dwelling
East	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Dwelling
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Arena District / Eastside Community Plan and is designated “Medium Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Denver Heights Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

East Whittier 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, given the lot constraints on the subject properties, granting the variance still provides adequate accessibility to light, air, and open space.
- 2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
The literal enforcement of the ordinance would result in unnecessary hardship, as the subject property cannot be expanded and the surrounding lots are already developed. The small lot configuration is the result of an antiquated subdivision failing to adhere to minimum lot sizes that were established 81 years after the home was built.
- 3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
Substantial justice will be done as the existing home still provides a safe development pattern. The request provides access to quality light and air, and provide for adequate fire separation.

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 zoning 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 was subdivided and developed 81 years before the 4,000 square foot minimum lot size was established. This is not the fault of the owner of the property, nor is the request merely financial in nature.

Alternative to Applicant's Request

Denial of the requested variance would result in the applicant having to meet the requirements of section 35-310.01.

Staff Recommendation

Staff recommends **APPROVAL** of the variance in **A-18-178**, based on the following findings of fact:

1. The property cannot be expanded. This is of no fault of the owner, and;
2. The surrounding single-family dwellings are unlikely to be negatively affected by the requested variance, nor will this request alter the essential character of the district.