



# City of San Antonio

## Legislation Details (With Text)

<b>File #:</b>	19-1985
<b>Type:</b>	Zoning Case
<b>In control:</b>	Board of Adjustment
<b>On agenda:</b>	2/18/2019
<b>Title:</b>	BOA-18-900038: A request by Diane Ruiz Chavez for a 1,056 square foot variance from the minimum 6,000 square foot lot size to allow a lot size to be 4,944 square feet, located at 430 Sandmeyer Street. Staff recommends Approval. (Council District 2)
<b>Sponsors:</b>	
<b>Indexes:</b>	
<b>Code sections:</b>	
<b>Attachments:</b>	1. BOA-18-900038 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-18-900038  
Applicant: Diane Y. Ruiz Chavez  
Owner: Diane Y. Ruiz Chavez  
Council District: 2  
Location: 430 Sandmeyer Street  
Legal: The North 102 feet of Lot 9, Block 4, NCB 3166  
Description:  
Zoning: "R-6 MLOD-3 MLR-2 AHOD" Residential Single-Family  
Martindale Army Air Field Military Lighting Overlay Military  
Lighting Region 2 Airport Hazard Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### Request

A request for a 1,056 square foot variance from the minimum 6,000 square foot lot size, as described in section 35-310.01, to allow a lot size to be 4,944 square feet.

### Executive Summary

The subject property is located at 430 Sandmeyer Street at the intersection with Frank Avenue, located in the Government Hill District. According to BCAD, the subject property is 4,944 square feet, which fails to meet the 6,000 square foot minimum lot size for its zoning district. The applicant is seeking a variance to reduce the minimum lot size requirement by 1,056 square feet to allow for a Certificate of Determination to be issued. This is a district with multiple irregular lots, many of which fail to meet the minimum lot sizes.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

No permit history exists on the property.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant Land

### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Multi-Family Dwelling
East	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Public School

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Government Hill Neighborhood Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Government Hill Alliance Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

Sandmeyer 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 property, 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. Staff finds that relief is warranted.**
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 new home will provide a safe development pattern and will meet all required setbacks. The request will provide 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 dwellings will not be injured by granting the variance, because the applicant is seeking to develop a lot in the same configuration that it has been in for decades.**
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 before the 6,000 square foot minimum lot size was established in 2001. 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 **BOA-18-900038**, 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 dwellings are unlikely to be negatively affected by the requested variance, and this request will not alter the essential character of the district.

