



City of San Antonio

Legislation Details (With Text)

File #: 20-4242

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 7/20/2020

Title: BOA-20-10300059: A request by Josefina R. Castillo for 1) a 6" variance from the 5' side setback to allow a new residential home to be 4'6" away from the north and south property lines and 2) a 925 square foot variance from the minimum 4,000 square foot lot size to allow a lot size to be 3,075 square feet, located at 313 South San Bernardo. Staff recommends Approval. (Council District 5) (Dominic Silva, Senior Planner (210) 207-0120, Dominic.Silva@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-20-10300059

Applicant: Josefina R. Castillo

Owner: Josefina R. Castillo

Council District: 5

Location: 313 South San Bernardo

Legal Lot 32, Block 23, NCB 8208

Description:

Zoning: "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family

Lackland Military Lighting Overlay Lackland Military

Lighting Region 2 Airport Hazard Overlay District

Case Manager: Dominic Silva, Senior Planner

Request

A request for 1) a 6" variance from the 5' side setback, as described in Section 35-310.01, to allow a new residential home to be 4'6" away from the north and south property lines and 2) a 925 square foot variance from the minimum 4,000 square foot lot size, also described in Section 35-310.01, to allow a lot size to be 3,075 square feet.

Executive Summary

The applicant is requesting variances from both side setbacks and from the minimum lot size in order to build a

new shotgun style modern home on the lot. The applicant is working with Neighborhood and Housing Services Department (NHSD) as an affordable housing project. The applicant is the owner of the property, currently residing on the property, and will be the resident of the new home once built. The current dilapidated single-family home will be demolished and rebuilt if the variances requested are granted.

Regardless of any other factors, due to the antiquated, substandard lot, the applicant must seek a variance in order to build on the lot. The variances requested from the side setbacks are due to Housing and Urban Development's requirements on single-family configurations which entail the proposed structure limited at a minimum 16' wide footprint.

The home, as designed by through the affordable housing project, will be two stories, 16' wide, featuring an outside patio and a 2-bedroom, 2-bathroom configuration.

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 "B" Residence District. The "B" Residence District converted to the current "R-4" Residential Single-Family District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

Subject Property Zoning/Land Use

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

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 Lackland Military Lighting Region 2 Airport Hazard Overlay District	Residential

South	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Lackland Military Lighting Region 2 Airport Hazard Overlay District	Vacant
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Lackland Military Lighting Region 2 Airport Hazard Overlay District	Residential
West	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Lackland Military Lighting Region 2 Airport Hazard Overlay District	Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the West/Southwest Sector plan and designated as General Urban Tier in the future land use. The subject property is within the boundaries of the Las Palmas Neighborhood Association.

Street Classification

South San Bernardo 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, granting the variances still provides adequate accessibility to light, air, and open space. Further, fire rated material will be required due to the proximity to adjacent structures.

2. *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 due to significantly reducing the amount of developable space on each lot. The small lot configurations are the result of antiquated, substandard lot development and will require variances if developing on each lot as intended.

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 the intent of the code, rather than the strict letter of the law. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. All intents of this law will be observed if approved.

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 variances requested would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, the variance would not place the structure out of character within the community. Further, the residential structure is following a district norm of reduced setbacks for all houses built within the area.

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 circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature. The character of reduced lot sizes within the district is uniform, leaving little room for proper building setbacks. This is created by the proliferation of older, outdated substandard lots currently zoned “R-4.”

Alternative to Applicant’s Request

The alternative to the applicant’s request is to conform to side setbacks set forth in the Unified Development Code, Section 35-310.01

Staff Recommendation

Staff recommends **APPROVAL** of **BOA-20-10300059**, based on the following findings of fact:

1. The requested variances will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass, and;
3. Due to the size of the lot, development can only occur on this lot by way of rezoning or through variances.