



City of San Antonio

Legislation Details (With Text)

File #: 20-4366

Type: Staff Briefing - Without Ordinance

In control: Board of Adjustment

On agenda: 8/3/2020

Title: BOA-20-10300046: A request by River City Acquisitions, LLC for 1) a 125 square foot variance from the 4,000 minimum square foot requirement, 2) a 10' variance from the minimum 35' lot width requirement to allow a lot to be 25' wide, and 3) a 2' variance from the 5' minimum side setback to allow a residential home to be 3' away from the side property line, located at 625 East Drexel Avenue. Staff recommends Approval. (Council District 3) (Kayla Leal, Senior Planner (210) 207-0197, Kayla.Leal@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-20-10300046 |
| Applicant: | River City Acquisitions, LLC |
| Owner: | River City Acquisitions, LLC |
| Council District: | 3 |
| Location: | 625 East Drexel Avenue |
| Legal Description: | West 25' of Lot 18, Block 14, NCB 3282 |
| Zoning: | "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District |
| Case Manager: | Kayla Leal, Senior Planner |

Request

A request for 1) a 125 square foot variance from the 4,000 minimum square foot requirement, as described in Section 35-310.01, to allow a lot size of 3,875, 2) a 10' variance from the minimum 35' lot width requirement, as described in Section 35-310.01, to allow a lot to be 25' wide, and 3) a 2' variance from the 5' minimum side setback, as described in Section 35-310.01, to allow a residential structure to be 3' from the side property line.

Executive Summary

The subject property is located on East Drexel Avenue near New Braunfels Avenue and IH-10 East. The property is currently vacant and located mid-block. The applicant is requesting variances for the minimum lot

size, lot width, and side setback requirements 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 in the 1938 Original City Limits of San Antonio and was zoned “B” Residence District. Upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the zoning converted to the current “R-4” Residential Single Family District.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|--------------|
| “R-4 AHOD” Residential Single Family Airport Hazard Overlay District | Vacant Lot |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|---|---|
| North | “RM-4 AHOD” Residential Mixed Airport Hazard Overlay District | IH-10 and Single family residential |
| South | “R-4 AHOD” Residential Single Family Airport Hazard Overlay District | Single family residential |
| East | “R-4 AHOD” Residential Single Family Airport Hazard Overlay District | Single family residential and commercial |
| West | “R-4 AHOD” Residential Single Family Airport Hazard Overlay District | Single family residential |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Highlands Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is in the boundaries of the Highland Park Neighborhood Association and as such, they were notified of the case.

Street Classification

East Drexel Avenue 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.

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 only 25' wide 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 a 3' 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 for a variance to the square footage requirement does 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 does not find any unique circumstances that 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-20-10300046** based on the following findings of

fact:

1. The lot size of the property is 3,875 square feet; and
2. The lot width of the property is 25' wide; and
3. The single-family dwelling will maintain a 3' side setback once developed.