



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-5547

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 9/21/2020

**Title:** BOA-20-10300080: A request by David Olivares for 542 square foot variance from the minimum lot size requirement of 4,000 square feet to allow a lot size to be 3,458 square feet, located at 508 Nevada Street. Staff recommends Approval. (Council District 2) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment

Date	Ver.	Action By	Action	Result
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Case Number:	BOA-20-10300080
Applicant:	David Olivares
Owner:	David Olivares
Council District:	2
Location:	508 Nevada Street
Legal Description:	East 15.6' of Lot 3 and West 22.5' of Lot 4, Block 34A, NCB 631
Zoning:	"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

### Request

A request for 542 square foot variance from the minimum lot size requirement of 4,000 square feet, as described in Section 35-310.01, to allow a lot size to be 3,458 square feet.

### Executive Summary

The subject property is currently vacant and located on the southern side of Nevada Street between South Mesquite Street and South Hackberry Street. The applicant is requesting a variance for the minimum lot size in order to obtain a Certificate of Determination to be able to construct on the lot. The applicant is proposing to build a duplex on the subject property.

### **Code Enforcement History**

There is no relevant code enforcement history on file for the property.

### **Permit History**

A demolition permit was issued on August 19, 2020 to demolish the dilapidated one-story structure on the subject property.

### **Zoning History**

The subject property is located in the Original San Antonio City Limits and was zoned “C” Apartment District. The zoning changed from “C” to “R-2” Two Family Residence District on December 16, 1993, established by Ordinance 79329. This zoning converted to the current “RM-4” Residential Mixed District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Vacant Lot

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single family residential
South	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single family residential
East	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single family residential
West	“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District	Single family residential

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

The subject property is in the Downtown Neighborhood Plan and is designated “Residential” in the future land use component of the plan. The subject property is in the boundaries of the Alamodome Gardens Neighborhood Association and as such, they were notified of the case.

### **Street Classification**

This portion of Nevada 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, the variance is not contrary to the public interest as the applicant is requesting it due to the square footage of the lot. The applicant is proposing to construct a duplex 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 has a square footage less than the minimum requirement, so a literal enforcement of the ordinance would create difficulty in constructing on the property.**

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 the all of the required setbacks, 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 to allow the reduced lot size 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 finds that the size of the lot shall 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-20-10300080** based on the following findings of

fact:

1. The lot size of the property is 3,458 square feet; and
2. The minimum setback requirements will be maintained during construction.