



City of San Antonio

Agenda Memorandum

File Number:15-5682

Agenda Item Number: 7.

Agenda Date: 11/2/2015

In Control: Board of Adjustment

Case Number: A-16-002
Applicant: Scott Dye
Owner: Norbert Friesenhahn
Council District: 4
Location: 14970 Watson Road
Legal Description: Lot P-5D ABS 421, CB 4298
Zoning: "NP-8 AHOD" Residential Neighborhood Preservation Airport Hazard Overlay District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for a 100 foot variance from the maximum lot width of 150 feet, as described in Section 35-353, to allow the subdivision of a 3.9 acre parcel with 346 feet of frontage into 2 lots.

Executive Summary

The subject property is located on the South side of the city in an area previously known as City South. Similar to other parcels in the immediate area, the parcel is part of a large family owned parcel that has been shared among the family for home sites since it was purchased in the 1970's. This area was annexed into the city limits in 2014 and then rezoned from "FR" Farm & Ranch to "NP-8" Neighborhood Preservation. This zoning district includes a maximum lot width of 150 feet. The applicant is seeking to subdivide a nearly 4 acre parcel to create two new home sites and each of the new lots will need a variance to exceed this width limitation.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"NP-8 AHOD" Residential Neighborhood Preservation Airport Hazard Overlay District	Farm out buildings

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	Outside City Limits	Vacant

South	Outside City Limits	Vacant
East	“BP AHOD” Business Park Airport Hazard Overlay District	Single-Family Residential
West	“NP-8 AHOD” Residential Neighborhood Preservation Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Heritage South Sector Plan and currently designated as Suburban Tier in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

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. To allow a two lot subdivision of a nearly 4 acre parcel is not contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

The special circumstance present on the subject property is that the lots are large (3.9 acres) and the district limitations force the owner into more lots than desired. Therefore this unique circumstance makes literal enforcement an unnecessary hardship.

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 letter of the law. The requested variance modifying the maximum lot width in this rural part of town observes the spirit of the code.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variance will not authorize the operation of a use on the subject property other than those specifically permitted in the “NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay 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 requested variance will allow a subdivision for a new home site, and this will not alter the character of the rural 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.*

The requested lot width variance will be indiscernible to the passerby because this area is rural with

large lots.

Alternative to Applicant's Request

The applicant could request a rezoning.

Staff Recommendation

Staff recommends **APPROVAL of A-16-002** based on the following findings of fact:

1. The recently annexed area is rural and characterized by large lots.