



# City of San Antonio

## Agenda Memorandum

**File Number:**16-2223

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**Agenda Item Number:** 4.

**Agenda Date:** 3/21/2016

**In Control:** Board of Adjustment

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**Case Number:** A-16-050  
**Applicant:** Ulises Hubbard  
**Owner:** Maria Hubbard, Edward Hubbard, & Ulises Hubbard  
**Council District:** 8  
**Location:** 10253 White Bonnet  
**Legal Description:** Lot 21, Block 8, NCB 14708  
**Zoning:** "RE" Residential Estate District  
**Case Manager:** Kristin Flores, Planner

### Request

A request for 1) a 20 foot variance from the 100 foot minimum required street frontage for a Residential Estate lot, as described in Section 35.310.01, to allow two lots to be established with 80 feet of frontage and 2) a 10 foot variance from the 100 foot minimum required street frontage for a Residential Estate lot, as described in Section 35.310.01, to allow a third lot to be established with 90 feet of frontage and 3) a 40 foot variance from the 120 foot minimum lot width, when measured at the setback line, for a Residential Estate lot, as described in Section 35.310.01, to allow two lots to be established with 80 feet of width and 4) a 30 foot variance from the 120 foot minimum lot width, when measured at the setback line, for a Residential Estate lot, as described in Section 35.310.01, to allow a third lot to be established with 90 feet of width.

### Executive Summary

The subject property was originally platted in 1931 with the current 3.46 acres. The applicant is proposing to subdivide the lot into three smaller lots in order to construct a home on each lot. If the lots are subdivided as proposed they will not meet the minimum street frontage requirement or the minimum lot width requirement, but will meet all setbacks and minimum square footage requirement. Additionally, the proposed lots are largely covered by a flood plain in the rear causing a large portion of the property to be undevelopable. Lastly, the proposed lots will only have one entrance maintaining the current appearance from the street.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"RE" Residential Estate District	Vacant

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RE” Residential Estate District	Single-Family Dwelling
South	“RE” Residential Estate District	Single-Family Dwelling
East	“RE” Residential Estate District	Single-Family Dwelling
West	“RE” Residential Estate District	Single-Family Dwelling

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

The property is within the boundaries of the Oakland Estates Community Plan and currently designated Low Density Residential Estate in the future land use component of the plan. The subject property is located within the Oakland Estates Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

### **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 public interest is represented by lot widths and required frontage minimums that help to ensure uniform, safe development with the City of San Antonio. The proposed design will meet the minimum lot size requirement and will maintain the current curb appeal by only constructing one entrance. Staff does not find the requested variance is contrary to the public interest.**

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

**The special condition in this case is that over sixty (60) percent of the lot is located in the flood zone which largely restricts development options. Other properties of this size would have the option of dividing the property into three lots by utilizing flag lot development. This is not an option equally shared by the applicant due to the flood plain covering the vast majority of the subject property. Additionally, the extraordinary length of the lot provides the needed space for the proposed construction to meet the minimum lot size and all required setbacks.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**Granting the requested variance will result in substantial justice as other development options, such as creating a flag lot, are not accessible due to the flood plain. The minimum square footage for “RE” Residential Estate will be met and the streetscape will remain largely unchanged.**

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 “RE” Residential Estate 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 proposed lot widths will not impact the required front, rear, and side setbacks and will maintain the character of the current streetscape.**

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 flood plain on this property is a unique circumstance limiting the development options shared by others with properties of this size. The plight is unique to the property, not created by the owner of the property, and not financial.**

**Alternative to Applicant's Request**

The applicant could follow the guidelines for required street frontage and lot width, as described in 35-310.01.

**Staff Recommendation**

Staff recommends **APPROVAL of the variance request in A-16-050** based on the following findings of fact:

1. Sixty (60) percent of the lot is undevelopable due to floodplain; 2. The proposed lots will meet minimum square footage; 3. The streetscape will remain largely unchanged.