



# City of San Antonio

## Agenda Memorandum

**File Number:**16-2423

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**Agenda Item Number:** 11.

**Agenda Date:** 4/4/2016

**In Control:** Board of Adjustment

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**Case Number:** A-16-062  
**Applicant:** Noe Pineda  
**Owner:** Noe Pineda  
**Council District:** 7  
**Location:** 3611 Chapultapec  
**Legal Description:** Lot 76, Block 3, NCB 14912  
**Zoning:** "NP-8 NCD-3 AHOD" Neighborhood Preservation Ingram Hills  
Neighborhood Conservation Overlay Airport Hazard Overlay District  
and "R-20 NCD-3 AHOD" Residential Single-Family Ingram Hills  
Neighborhood Conservation Overlay Airport Hazard Overlay District  
**Case Manager:** Logan Sparrow, Senior Planner

### Request

A request for a 6,000 square foot variance from the 20,000 square foot minimum lot size requirement, as described in Section 35-310.01, to allow a lot split-zoned "NP-8" Neighborhood Preservation District and "R-20" Residential Single-Family District to be 14,000 square feet in size.

### Executive Summary

The subject property is located at 3611 Chapultapec, just south of its intersection with Ebony Drive. The property owner owns two lots, one at 3611 Chapultapec and another directly behind that lot at 3902 E Horseshoe Bend. The property at 3611 Chapultapec is developed for a single-family dwelling. 3902 E. Horseshoe Bend was a vacant lot. The owner built two accessory structures, a garage and a shed, on the vacant lot. The construction of accessory structures without a primary dwelling is not permitted by the Unified Development Code. To remedy this situation, the owner is re-platting the two lots to include the accessory structures onto the lot with the dwelling. However, because the lot is split zoned NP-8" Neighborhood Preservation District, with a minimum lot size of 8,000 square feet, and "R-20" Residential Single-Family District, with a minimum lot size of 20,000 square feet, the more strict of the two requirements is enforced. The applicant is seeking permission to reduce the minimum lot size by 6,000 square feet.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Overlay Airport Hazard Overlay District and “R-20 NCD-3 AHOD” Residential Single-Family Ingram Hills Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling
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### **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling
South	“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling
East	“NP-8 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Overlay Airport Hazard Overlay District	Single-Family Dwelling
West	R-20 NCD-3 AHOD” Residential Single-Family Ingram Hills Neighborhood Conservation Overlay Airport Hazard Overlay District	Vacant

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

The property is within the boundaries of the Woodlawn Hills/Ingram Hills Neighborhood Plan and currently designated as Low-Density Residential Estate in the future land use component of the plan. The subject property is within the Ingram Hills Neighborhood Association. As such, the neighborhood association was notified and asked to comment.

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 minimum lot sizes that provide for consistent development within the neighborhood. The lot being re-platted is in a neighborhood of lots that are 8,000 square feet or more in size. As such, it is unlikely that allowing a lot to be 14,000 square feet, with the majority of the lot size being hidden from the street view, that the public interests would be compromised. Additionally, the remaining portion of the lot fronting on E. Horseshoe Bend will retain its 20,000 square feet minimum lot size.**

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

**The special condition present in this case is that the property being re-platted is split zoned. Had the**

property been zoned “NP-8” Neighborhood Preservation District entirely, no variance would be needed. However, the R-20” Residential Single-Family District’s minimum lot size applied as it is the more restrictive of the two requirements.

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 because the newly platted lot will not detract from the community. The land being added to the existing lot is located behind the dwelling and is not visible from the street. Additionally, the remaining portion of 3902 E. Horseshoe Bend will retain the minimum 20,000 square foot lot size. This ensures consistency on both lots with adjacent developments.

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 NCD-3 AHOD” Neighborhood Preservation Ingram Hills Neighborhood Conservation Overlay Airport Hazard Overlay District and “R-20 NCD-3 AHOD” Residential Single-Family Ingram Hills Neighborhood Conservation Overlay 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.*

Because the proposed plat does not create incompatible development on either frontage, staff finds that the variance request will not detract from the essential character of these communities.

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 condition present here is that the lot is split zoned. If the lot were entirely zoned “NP-8” Neighborhood Preservation District then the variance would not be necessary.

### **Alternative to Applicant’s Request**

The applicant could pursue a rezoning of the lot fronting on E. Horseshoe Bend to “NP-8” which permits a smaller lot size.

### **Staff Recommendation**

Staff recommends **APPROVAL** of variance request in **A-16-062** based on the following findings of fact:

1. The property is split-zoned. This is not the fault of the owner of the property and constitutes a slight deviation from the minimum lot size. 2. Communities fronting on both streets are unlikely to be negatively affected by the requested variance. This will not alter the essential character of the district.