



City of San Antonio

Agenda Memorandum

File Number:17-6310

Agenda Item Number: 6.

Agenda Date: 11/20/2017

In Control: Board of Adjustment

Case Number: A-17-200
Applicant: UP Engineering, LLC
Owner: Home Living Hospitality, LTD
Council District: 4
Location: the Northeast corner of Elm Valley Drive and Five Palms Drive
Legal Description: Lot P-37 ABS 16, NCB 15261
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Oscar Aguilera, Planner

Request

A request for a 0.80 foot variance from the 50 foot minimum lot width, as described in Section 35-310.01, to allow Lots 2-25 to be 49.20 feet wide.

Executive Summary

The applicant purchased the property with the intent to develop it into a small single-family subdivision. The owner rezoned the property from "NP-10" neighborhood Preservation District, which requires 10,000 square foot lots, to "R-6" Residential Single-Family, which requires only 6,000 square foot lots. The owner is proposing a 34 lot subdivision. The applicant recently discovered that there was an error with the property survey and that lots 2-25 have a width of 49.20 feet, 0.80 feet, or 9.6 inches, shy of the 50 foot width requirement. However, all lots will maintain the minimum required 6,000 square foot lot size.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Vacant

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
South	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
East	“NP-8 AHOD” Neighborhood Preservation Airport Hazard Overlay District	Single-Family Dwelling
West	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the United Southwest Community Plan and designated as Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the People Active in Community Effort Neighborhood Association. 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 minimum lot width that helps to establish uniform development within the City of San Antonio. Allowing the Lots 2-25 to be 49.20 feet wide is not is not contrary to the public interest. These lots will maintain six thousand square feet in size and the 0.80 foot variance will not affect the setback requirements for these lots. The lots will provide the required setbacks established by the UDC.

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

The special condition present on the subject property is the configuration of the land. A survey error revealed Lots 2-25 are 0.80 feet shy of the requirement, but still provide the required six thousand square foot lot size. As the request is minimal in nature, staff finds that a literal enforcement would result in 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 strict letter of the law. The requested variance modifying the minimum lot width in this subdivision observes the spirit of the code since the lots will still be six thousand square feet in size and the frontage will be 49.20 feet.

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 “R-6 AHOD” Single-Family Residential 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 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 the lots will be six thousand square feet same as all the lots within the proposed subdivision. Setbacks are unaffected.

Alternative to Applicant's Request

The applicant would have to re-design the layout of the subdivision, and likely lose one lot.

Staff Recommendation

Staff recommends **APPROVAL for A-17-200** based on the following findings of fact:

1. The lots will be six thousand square feet same as all the lots within the proposed subdivision.
2. The requested variance is minimal in nature and nearly impossible to go noticed.