



# City of San Antonio

## Agenda Memorandum

**File Number:**18-1617

**Agenda Item Number:** 1.

**Agenda Date:** 2/5/2018

**In Control:** Board of Adjustment

**Case Number:** A-18-018  
**Applicant:** Our Casas Resident Council, Inc.  
**Owner:** Our Casas Resident Council, Inc.  
**Council District:** 5  
**Location:** 1814, 1818, and 1822 Santiago Street  
**Legal:** Lots 41, 43-45, 21, 22, NCB 6469  
**Description:**  
**Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Logan Sparrow, Principal Planner

### Request

A request for 1) an 11.52 foot variance from the 20 foot rear setback, as described in Section 35-310.01, to allow homes to be built with an 8.48 foot rear setback and 2) a 250 square foot variance from the 4,000 square foot minimum lot size, as described in Section 35-310.01, to allow one of the lots to be 3,750 square feet.

### Executive Summary

The subject properties have been vacant for almost a decade and Our Casas Resident Council Inc. is proposing to build affordable, three bedroom homes on each lot. Under the current "R-4" zoning, each lot will need to provide a 20 foot rear setback and a 4000 square foot lot size. The applicant is requesting an 8.48 foot rear setback and a variance to allow one of the lots to be 3750 square feet.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Vacant lots

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings, Vacant

South	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District, "C-2 AHOD" Commercial Airport Hazard Overlay District	Single-Family Dwellings, Corner Store

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

The property is within the boundaries of the Guadalupe Westside Community Plan and is currently designated Low Density Residential under the future land use. The subject property is not located within the boundaries of a 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. Most residential zoning districts require only a ten foot rear setback. Further, allowing one lot to be 250 square feet shy of the requirement is unlikely to be noticed. Staff finds that neither request is contrary to the public interest.**

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

**If enforced, the ordinance would significantly reduce the amount of developable space on each site. The small lot configurations are the result of an old subdivision and the lots are similar to the lot scheme of the neighborhood.**

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

**Substantial justice will be done as the requested setbacks will still provide for a safe development pattern. Both requests provide fair and equal access to air and light, and provide for adequate fire separation.**

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

**The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-4 AHOD" Residential Single-Family 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 8.48 foot rear setback variance, and to allow one of the lots to be 3750 square feet, is highly unlikely to injure adjacent property owners as these lots are similar to other lots in the subdivision. The rear setback provides adequate room for maintenance without trespass and will not create any health or**

**safety hazards.**

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 circumstance existing on the site was created by the original subdivision, which do not meet the requirements for an “R-4” lot under the current Unified Development Code.**

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

Denial of the variance requests would result in the lots meeting the 20 foot rear setback and the 4,000 square foot minimum lot size.

#### **Staff Recommendation**

Staff recommends **APPROVAL of the requested variances in A-18-018**, based on the following findings of fact:

1. The requested setbacks provide fair and equal access to air and light, and provide space for maintenance, and;
2. The variances are unlikely to detract from the character of the district, and;
3. The variances are unlikely to have a negative impact on the adjacent properties, and;