



# City of San Antonio

## Agenda Memorandum

**File Number:**18-6610

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**Agenda Item Number:** 4.

**Agenda Date:** 12/3/2018

**In Control:** Board of Adjustment

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Case Number: BOA-18-900011  
Applicant: Maximiliano Garcia  
Owner: The Rodcel Group LP  
Council District: 4  
Location: 11307 Gaylord Drive  
Legal: Lot 13, Block 15, NCB 14565  
Description:  
Zoning: "R-6 MLOD-2 MLR-2 AHOD" Single Family Lackland  
Military Lighting Overlay Military Lighting Region 2 Airport  
Hazard Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for an 866 square foot variance from the minimum 6,000 square foot lot size, as described in section 35-310.01, to allow a lot size to be 5,134 square feet.

### **Executive Summary**

The subject property is located at 11307 Gaylord Drive west of Palo Alto Road. According to the survey submitted by the applicant, the subject property is 5,134 square feet, which fails to meet the 6,000 square foot minimum lot size for its zoning district. The applicant is seeking a variance to reduce the minimum lot size requirement by 866 square feet to allow for a new residence. According to the BCAD records the property has never been developed. The lot does not qualify as a non-conforming lot of record. This is a local street with multiple irregular lots.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

No permit history related to this project exists on the property. The property owner is seeking a variance to allow for permit to be issued and begin construction.

### **Subject Property Zoning/Land Use**

| <b>Existing Zoning</b>   | <b>Existing Use</b> |
|--|---------------------|
| "R-6 MLOD-2 MLR-2 AHOD" Single Family<br>Lackland Military Lighting Overlay Military<br>Lighting Region 2 Airport Hazard Overlay<br>District | Vacant Lot          |

### **Surrounding Zoning/Land Use**

| <b>Orientation</b> | <b>Existing Zoning District(s)</b>   | <b>Existing Use</b>    |
|--------------------|--|------------------------|
| North              | "R-6 MLOD-2 MLR-2 AHOD" Single<br>Family Lackland Military Lighting Overlay<br>Military Lighting Region 2 Airport Hazard<br>Overlay District | Vacant Lot             |
| South              | "R-6 MLOD-2 MLR-2 AHOD" Single<br>Family Lackland Military Lighting Overlay<br>Military Lighting Region 2 Airport Hazard<br>Overlay District | Single-Family Dwelling |
| East               | "R-6 MLOD-2 MLR-2 AHOD" Single<br>Family Lackland Military Lighting Overlay<br>Military Lighting Region 2 Airport Hazard<br>Overlay District | Single-Family Dwelling |
| West               | "R-6 MLOD-2 MLR-2 AHOD" Single<br>Family Lackland Military Lighting Overlay<br>Military Lighting Region 2 Airport Hazard<br>Overlay District | Single-Family Dwelling |

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

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

### **Street Classification**

Gaylord Drive is classified as a Local Street.

### **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, given the lot constraints on the subject properties, granting the variance still provides adequate accessibility to light, air, and open space. The new structure will meet all required setbacks. Staff finds the request is not**

contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**The new structure footprint is very small and the applicant is trying to develop this vacant lot for a small home. A literal enforcement of the ordinance would render the property undevelopable. Staff finds that relief is warranted.**
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 existing home still provides a safe development pattern. The request provides access to quality light and air, and provides for adequate fire separation.**
4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*  
**The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning 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 surrounding single-family dwellings will not be injured by granting the variance because the lot size will not create incompatible development, nor will it detract from the character of the community. The character of the surrounding neighborhood will not be altered and the proposed development will be cohesive with the existing pattern of development within the immediate neighborhood.**
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 is that the lot was subdivided and developed before the 6,000 square foot minimum lot size was established. This is not the fault of the owner of the property, nor is the request merely financial in nature.**

#### **Alternative to Applicant's Request**

Denial of the requested variance would result in the applicant having to meet the requirements of section 35-310.01.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of the variance in **BOA-18-900011**, based on the following findings of fact:

1. The surrounding single-family dwellings are unlikely to be negatively affected by the requested variance, nor will this request alter the essential character of the district.