



# City of San Antonio

## Agenda Memorandum

**File Number:**20-1111

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**Agenda Item Number:** 6.

**Agenda Date:** 1/13/2020

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300147  
Applicant: Hacam Properties, LLC  
Owner: Hacam Properties, LLC  
Council District: 2  
Location: 221 Muncey  
Legal: The South 50 feet of lot 7,8 & the South 50 feet of the East  
Description: 16.2 feet of Lot 6, Block H, NCB 1660  
Zoning: "R-6 H AHOD" Residential Single-Family Dignowity Hill  
Historic Airport Hazard Overlay District  
Case Manager: Debora Gonzalez, Senior Planner

### **Request**

A request for a 190 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 5,810 square feet.

### **Executive Summary**

The applicant is requesting a lot size variance to allow for the construction of a single-family dwelling. On November 6<sup>th</sup>, 2019 the Historic and Design Review Commission approved with stipulations of the applicant's request. The property abuts single-family homes in similar compact lots and is adjacent to an 11.8' alley that contributes to minimizing the lot size reduction.

### **Zoning History**

The subject property is in the original 36 square miles of San Antonio and was zoned "D" Apartment District. By Ordinance 70785, date December 14, 1989 rezoned to "R-2" Two Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-2" Two Family Residence District converted to "RM-4" Residential Mixed District. The property was rezoned by Ordinance 2012-12-06-0953, dated December 6, 2012 to the current "R-6" Residential Single-Family.

### **Code Enforcement History**

There is no code enforcement history on this property.

## **Permit History**

The property owner is seeking a variance to allow a permit to be issued.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-6 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling

## **Surrounding Zoning/Land Use**

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling
South	“R-6 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling
East	“R-6 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling
West	“R-6 H AHOD” Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District	Single-Family Dwelling

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

The subject property is within the Dignowity Hill Neighborhood Plan/ Eastside Reinvestment Plan and is currently designated as “Low Density Residential” in the future land use component of the plan. The subject property is within the Dignowity Hill Neighborhood Association. As such, they were notified and asked to comment.

## **Street Classification**

Muncey 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, the**

public interest is represented by minimum lot sizes that provide for consistent development within the neighborhood. The “R-6” Residential Single-Family District is intended for single-family dwelling uses on a minimum lot size of 6,000 square feet. The proposed project of single-family dwelling meets the intention of the zoning district and is not contrary to the public interest.

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

The literal enforcement of the ordinance would not allow the owner of the property to develop the lot as intended. The lot qualifies for a Certificate of Determination (COD) due to the property having an antiquated plat. In order for new construction, the property must be platted, but because the lot qualifies for a COD the applicant will not need to replat the lot. However, a COD cannot be granted, because the property does not meet the minimum 6,000 square foot lot size requirement, and a single-family dwelling cannot be constructed unless a variance is granted. Additionally, the lot does not qualify as a Non-Conforming Lot of Record.

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

Granting the request will result in substantial justice, because the proposed development of detached single-family dwellings advances the efforts of the zoning designation. The variance will promote infill development on this lot.

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. 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 circumstances existing on the property are neither due to the general conditions of the district, nor due to the owner, and is not financial in nature.

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

The alternative to the applicant’s request is to conform to the lot size limitations established by the Unified Development Code Section 35-310.01.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of variance in **BOA-19-10300147**, based on the following findings of fact:

1. The property is not platted and this is of no fault of the owner, and;
2. The surrounding dwellings are unlikely to be negatively affected by the requested variances, and;
3. The variance will not alter the essential character of the district.