



# City of San Antonio

## Agenda Memorandum

**File Number:**20-3024

---

**Agenda Item Number:** 4.

**Agenda Date:** 5/4/2020

**In Control:** Board of Adjustment

---

**Case Number:** BOA-20-10300021

**Applicant:** James Benfield

**Owner:** James Benfield

**Council District:** 2

**Location:** 1962 East Crockett Street

**Legal:** Lots 24, 25, 26, & 27, Block 2, NCB 6330

**Description:**

**Zoning:** "R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family  
Martindale Army Airfield Military Lighting Overlay Military  
Lighting Region 2 Airport Hazard Overlay District

**Case Manager:** Dominic Silva, Senior Planner

### **Request**

A request for 1) Lot 24: a 2'3" variance from the required 5' side setback requirement, as described in Section 35-310.01, to allow a new residential structure to be 2'9" away from the east property line and 2) Lot 25, 26, 27: a request for a 3" variance from the required 5' side setback requirement, also described in Section 35-310.01, new residential structures to be 4'9" away from the east and west property lines on each individual lot.

### **Executive Summary**

The subject property is located on the corner of East Crockett Street and North Walters Street within the Arena District's land use of Medium Density Residential; as such, it is identified for uses that include small lot single-family development, duplexes, triplexes, quadraplexes, and townhomes while providing a diversity of housing stock and maintaining an overall urban residential character. The area is characterized as uniformly small, antiquated, substandard lots with shotgun style homes and detached accessory dwelling units.

The four lots identified within this variance are antiquated, platted, full lots that do not require platting and can be developed upon because it qualifies as a non-conforming lot of record. Non-conforming lots of record do not have to meet the minimum lot size requirement. The current size of each lot is surveyed at 2,875 square feet with lot 24 surveyed at 2,645 square feet.

The applicant requests variances to the east and west sides of the property due to the configuration of the

proposed structures on each lot. The applicant is proposing a two-story single-family structure per lot. Requested setbacks of each lot are detailed below:

- Lot 24: 2'9" from the east property line and 4'9" on the west property line resulting in a variance request of 2'3" from the 5 foot side setback.
- Lots 25, 26 and 27: 4'9" from the east and west property lines resulting in a variance request of 3" from the 5 foot side setback.

### **Code Enforcement History**

No code enforcement history exists on this property.

### **Permit History**

No permits have been processed for this property.

### **Zoning History**

The property is within the original 36 square miles of the City of San Antonio and was originally zoned as "B" Residence District. The "B" Residence District converted to the current "R-4" Residential Single-Family District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
South	"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential

East	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
West	“R-4 MLOD-3 MLR-2 AHOD” Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant

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

The subject property is within the boundaries of the Arena District Community Plan and is designated as “Medium Density Residential” in the future land use component of the plan. The subject property is within the boundaries of the Jefferson Heights neighborhood association.

### **Street Classification**

East Crockett 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, granting the variances still provides adequate accessibility to light, air, and open space. Further, fire rated material will be required due to the proximity to adjacent structures.**

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

**A literal enforcement of the ordinance would result in unnecessary hardship due to significantly reducing the amount of developable space on each lot. The small lot configurations are the result of antiquated, substandard lot development and will require variances if developing on each lot as intended.**

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 the intent of the code, rather than the strict letter of the law. The intent of the setback limitation is to prevent fire spread, allow adequate space for maintenance, and encourage proper storm water drainage. All intents of this law will be observed if approved.**

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 requested variance will not permit a use not authorized within the district it is located in.**

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.*

**This variance would not substantially injure or alter the use or character of adjacent conforming property or character of the district. Specifically, the variance would not place the structure out of character within the community. Further, the residential structure is following a district norm of reduced setbacks for all houses built within the area.**

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. The character of reduced lot sizes within the district is uniform, leaving little room for proper building setbacks. This is created by the proliferation of older, outdated substandard lots currently zoned “R-4.”**

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

The alternative to the applicant’s request is to conform to side setbacks set forth in the Unified Development Code, Section 35-310.01

### **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300021**, based on the following findings of fact:

1. The requested variances will not detract from the character of the district, and;
2. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass, and;
3. The lots are antiquated nonconforming lots of record, and;
4. The developed is located within the Arena District’s future land use classification of Medium Density Residential and is identified for uses such as duplexes, triplexes, and/or townhomes.