



City of San Antonio

Agenda Memorandum

File Number:20-4340

Agenda Item Number: 5.

Agenda Date: 8/17/2020

In Control: Board of Adjustment

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|--------------------|---|
| Case Number: | BOA-20-10300065 |
| Applicant: | Christian Rios |
| Owner: | Christian Rios |
| Council District: | 5 |
| Location: | 4814 Sierra Street |
| Legal Description: | North 50' of Lot 13, Block 16, NCB 7757 |
| Zoning: | "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District |
| Case Manager: | Kayla Leal, Senior Planner |

Request

A request for 1) a 2,500 square foot variance to the 5,000 square foot minimum lot size requirement, as described in Section 35-310.01, to allow the lot size to be 2,500 square feet and 2) a 15' variance from the rear property line, as described in Section 35-310.01, to allow a single-family residence to be 5' away from the rear property line.

Executive Summary

The subject property is located on the eastern side of Sierra Street between Mary Street and East Edmonds Avenue. The property is currently vacant and located mid-block. The applicant is requesting variances for the minimum lot size and the rear setback requirement in order to have more flexibility in developing the lot. If the variances were granted, the applicant is proposing to develop a single-family residence on the property.

Code Enforcement History

There is no relevant code enforcement history on file for the property.

Permit History

There are no relevant permits pulled for the property.

Zoning History

The subject property was annexed into San Antonio city limits by Ordinance 1391 on September 23, 1944, and was zoned “D” Apartment District. The zoning changed from “D” to “R-5” One Family District on September 19, 1985, established by Ordinance 61454. This zoning converted to the current “R-5” Residential Single-Family District upon adoption of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|---------------------|
| “R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Vacant Lot |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|---------------------------|
| North | “R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Single family residential |
| South | “R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Single family residential |
| East | “R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Single family residential |
| West | “R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District | Single family residential |

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the South Central Community Plan and is designated “Low Density Residential” in

the future land use component of the plan. No registered neighborhood associations for the subject area.

Street Classification

Sierra Street 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 variance is not contrary to the public interest as the applicant is proposing to construct a single family residence on a currently vacant lot. The surrounding area predominately consists of single-family residential uses.

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

Staff finds that any special conditions that, if enforced, would result in an unnecessary hardship. The subject property is shallow in depth and has a square footage less than the minimum requirement, so a literal enforcement of the ordinance would create difficulty in constructing a single-family home.

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 exact letter of the law. The intent of the minimum lot dimensions is to create uniformity and protect the public health, safety, and welfare. In this case, the applicant will still maintain the side setback, creating enough separation from abutting properties.

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.*

No uses other than those allowed within the district will be allowed with this variance.

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 request to reduce the rear setback and the lot size do not pose a risk of substantially injuring the use of adjacent properties and does not seem likely to alter the essential character of the 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.*

Staff finds that the unique size and shape of the lot shall warrant the granting of this request. The applicant was informed of the limitations incurred by the ordinance and submitted the request for a

variance prior to construction.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Setback Dimensions of the UDC Section 35-310.01.

Staff Recommendation

Staff recommends **Approval** of the zoning variance in **BOA-20-10300065** based on the following findings of fact:

1. The lot size of the property is 2,500 square feet; and
2. The depth of the lot is 50'; and
3. The single-family dwelling will maintain the minimum side setbacks once developed.