



# City of San Antonio

## Agenda Memorandum

**File Number:**20-4349

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**Agenda Item Number:** 7.

**Agenda Date:** 8/3/2020

**In Control:** Board of Adjustment

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Case Number: BOA-20-10300066  
Applicant: Erick Hanken  
Owner: Banjo's Boardroom LLC  
Council District: 5  
Location: 206 East Lubbock Street  
Legal: Lot East 32 Feet of Lot 3, Block 4, NCB 2866  
Description:  
Zoning: "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family  
Lackland Military Lighting Overlay Military Lighting  
Region 2 Airport Hazard Overlay District  
Case Manager: Azadeh Sagheb, Planner

### **Request**

A request for 1) a 604 square feet variance from the 4000 square feet minimum lot size requirement to allow a lot size to be 3,396 square feet, and 2) a 3' variance from the 35' minimum lot width size to allow the lot width size to be 32'.

### **Executive Summary**

The subject property is located at 206 East Lubbock Street, north of IH 10 East, and west of Alazan Creek. The applicant has relocated a structure to the site to be used as a residential unit. The characteristic of Lubbock Street is made up of residential buildings.

The lot is currently 3,396 square feet, which is below the required 4,000 square feet. The applicant has applied for a Certificate of Determination that could be processed if the lot size variance is approved.

### **Code Enforcement History**

There is a pending code enforcement violation from May 19, 2020 for this property for moving a Manufactured Home on property without permits or appropriate zoning.

### **Permit History**

There is a current residential permit under review to ensure the structure meets all Building Code requirements. Permit has yet to be approved.

### **Zoning History**

The subject property was located within the original 36 square miles of the City of San Antonio and originally was zoned “C” Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property was converted to “MF-33” Multi-Family District. The property was rezoned by Ordinance 2006-12-14-1441, dated December 14, 2006 from “MF-33” Multi-Family Residential District to its current “R-4” Single-Family Residence District.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
South	“MF-33 MLOD-2 MLR-2 AHOD” Multi- Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential
West	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential

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

The subject property is within the boundaries of the Downtown Area Regional Center Plan and currently designated as Medium Density Residential in the future land use component of the plan. The subject property is located within the boundaries of Lone Star Neighborhood Association. As such, they were notified and asked to comment.

## Street Classification

Lubbock Street is classified as a local street.

## Criteria for Review

According to Section 35-482(e) of the UDC, in order the variances 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 smaller lot size and lot width, is not contrary to the public interest.**
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*  
**The unnecessary hardship relates to the fact that if the variance is not granted, the applicant have to go through the rezoning process. This would cause delays in platting process and requires additional expenses.**
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*  
**The property on this variance relates to an arbitrary lot created long time ago prior to the current owner's purchase. The owner acquired the property with the current specific size and has invested time and effort for its development.**
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 subject property and the adjacent properties are residential dwellings. Further since, it is the same residential use, this variance would not substantially injure or alter the use or character of adjacent conforming property or 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.*  
**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. This is created by the proliferation of older, outdated substandard lots.**

## Alternative to Applicant's Request

Denial of the requests would result in the owner having to adhere to Section 35-310.01(b)

## Staff Recommendation

Staff recommends **APPROVAL** of the variances in **BOA-10300066** based on the following findings of fact:

1. The requested variance is will not detract from the neighborhood character, and;
2. The lot size still provides reasonable access to prevent storm water runoff, maintenance of property, and

maintenance of the structure without trespass.