



# City of San Antonio

## Agenda Memorandum

**File Number:**20-5779

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**Agenda Item Number:** 7.

**Agenda Date:** 10/5/2020

**In Control:** Board of Adjustment

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Case Number: BOA-20-10300082  
Applicant: Ella Bree Homes  
Owner: Ella Bree Homes  
Council District: 5  
Location: 102 Grenet Street  
Legal: Lot 29, Block 2, NCB 2346  
Description:  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Dominic Silva, Senior Planner

### **Request**

A request for 1) an 843 square foot variance from the required 4,000 square foot lot size, as described in Section 35-310.01, to allow a lot size to be 3,157 square feet and 2) a 10' variance from the required 20' minimum rear setback, also described in Section 35-310.01, to allow a structure to be built 10' away from the rear property line.

### **Executive Summary**

The applicant is requesting variances from the rear setback and from the minimum lot size in order to build a new single-family home on the lot. The subject property has been vacant since before 1980. Due to the antiquated, substandard lots within the district, the applicant must obtain variances or to rezone in order to develop on this lot due to the size of the lot.

These lots within the district were once converted from the 1938 "C" Apartment Districts, converted and rezoned to what is currently is: "R-4" Single-Family District. Because of this, the lot is considered a nonconforming lot of record. The applicant will need a variance for the rear setback and requested a clean slate for the property prior to development to include a lot size variance.

### **Code Enforcement History**

No code enforcement history exists on this property.

### **Permit History**

No permits have been processed for this property.

### **Clear Vision Review**

A review of Clear Vision is not required for this request.

### **Zoning History**

The property is within the original 36 square miles of the City of San Antonio and was originally zoned as “C” Apartment District. The “C” Apartment District converted to “MF-33” Multi-Family District with the adoption of the 2001 Unified Development Code (UDC), established by Ordinance 93881, on May 3, 2001. Ordinance 97325, dated March 19, 2003 rezoned the “MF-33” to the current “R-4” single-family district.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-4 AHOD” Residential Single-Family 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 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Residential

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

The subject property is located within the Downtown Neighborhood Plan and is designated as “Residential” in the future land use component of the plan. The subject property is within the boundaries of the Historic Westside Neighborhood Association.

### **Street Classification**

Grenet 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, 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 the 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 variances 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.*

**The variances requested 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 setbacks set forth in the Unified Development Code, Section 35-310.01

### **Staff Recommendation**

Staff recommends **APPROVAL** of **BOA-20-10300082**, 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. Due to the size of the lot, development can only occur on this lot by way of rezoning or through variances.