



City of San Antonio

Agenda Memorandum

File Number:20-5783

Agenda Item Number: 4.

Agenda Date: 10/19/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300083
Applicant: Ella Bree Homes
Owner: Ella Bree Homes
Council District: 5
Location: 727 South Trinity Street
Legal Description: Lot South 35.5 Feet of Lot 11 & 12, Block C, NCB 6017
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 variance from the minimum lot size of 4,000 square feet, as described in Section 35-310.01, to allow a lot to be 2,304 square feet, and 2) a 15' variance from the required 20' rear setback, also described in Section 35-310.01, to allow a new residential structure to be 5' away from the rear property line.

Executive Summary

The subject property is located on the corner of south Trinity street and El Paso Street. The property is currently vacant, and the applicant is requesting to grant variances from the minimum lot size and the rear setback to have flexibility in developing a new residence on the lot. The proposed building is a single-family home. Due to the antiquated, substandard lots within the district, the applicant must obtain variances or rezone in order to be able to construct on this small size property.

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 “J” Commercial District. The Property rezoned by Ordinance 75720, dated May 7, 1992 to “R-7” Small Lot Residence District. The subject property was 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

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

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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	“R-4 MLOD-2 MLR-2 AHOD” Residential Single 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 located within the Guadalupe Westside Community Plan and is designated as “Low-Density Residential” in the future land use component of the plan. The subject property is within the boundaries of the Historic Westside Residents Association.

Street Classification

Trinity 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. The neighborhood is predominantly surrounded by single-family residential, so the requested variances are consistent with the existing uses in the community.

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 the lot. The lot square footage is below the minimum code requirement, so the intended development on the lot will require variances.

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 requested variances to reduce the lot size and the rear setback would not substantially injure or alter the use or character of adjacent conforming property or character of the district. The variances would not place the structure out of character within the community.

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 community is typical, which leaves little room for meeting the setback requirement.

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-20-10300083**, based on the following findings of fact:

1. The single-family home will meet the minimum code requirement for the side setback and front setback once developed, and;
2. The requested variances will not detract from the character of the district, and;
3. Adequate space will be utilized to prevent storm water runoff, maintenance of property, and maintenance of the structure without trespass.