



City of San Antonio

Agenda Memorandum

File Number:21-4745

Agenda Item Number: 2.

Agenda Date: 7/19/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300065
Applicant:	Christian Vargas
Owner:	Christian Vargas
Council District:	2
Location:	1002 Lamar St
Legal Description:	Lot 1, Block J, NCB 1315
Zoning:	"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Mirko Maravi, Senior Planner

Request

A 10' variance to the required 20' rear setback as described in Table 310-1, to allow a residential dwelling to be 10' from the rear property line.

Executive Summary

The subject property is located along Lamar Street, just east of downtown and the applicant is requesting a variance to the rear setback. The previous structure was demolished and is currently a vacant lot. The street to the rear is a substandard street, which if it were an alley, would eliminate the need for the variance. The property is located on both ends of a block and does not have an abutting rear property.

Code Enforcement History

There are no relevant code enforcement violations outstanding for the property.

Permit History

There are no relevant permits pulled for the property.

Zoning History

The property was part of the original 36 square miles of the City of San Antonio and zoned "C" Apartment

District. The property was rezoned by Ordinance 70785, dated December 14, 1989 to the “R-7” Small Lot Home District. The zoning converted from “R-7” Small Lot Home District to the current “R-4” 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-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field 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-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-family dwelling
South	"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-family dwelling
East	"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-family dwelling
West	"R-4 MLOD-3 MLR-2 AHOD" Residential Single-Family Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-family dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located in the Dignowity Hill Neighborhood Plan/ Eastside Reinvestment Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Dignowity Hill Neighborhood Association, and they were notified of the case.

Street Classification

Lamar 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. There is no abutting property in the rear in which the variance is sought.

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. An alley abutting the rear of the property would normally eliminate the requirement of the variance, however, Logan Street is a substandard street.

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 rear setback is required to maintain distract from rear abutting property which this lot does not have.

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 will not impact adjacent conforming property. There is no rear abutting property and side abutting properties are not intruded on.

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 the unique circumstances existing on the property were not created by the owner of the property nor are they merely financial. The property is located on both ends of the block with a substandard street in the rear.

Alternative to Applicant's Request

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

Staff Recommendation

Staff recommends **Approval** in **BOA-21-10300065** for a **10' variance to the required 20' rear setback as described in Table 310-1, to allow a residential dwelling rear setback of 10'**, based on the following findings of fact:

1. The proposed structure will be setback 10' from the rear property line with no abutting lot; and
2. The substandard street located in the rear would eliminate the requested variance if identified as an alley.