



# City of San Antonio

## Agenda Memorandum

**File Number:**21-5361

**Agenda Item Number:** 6.

**Agenda Date:** 9/13/2021

**In Control:** Board of Adjustment

Case Number:	BOA-21-10300099
Applicant:	Edgar Sanchez
Owner:	Laatu Homes, LLC
Council District:	4
Location:	1912 West Mayfield Boulevard
Legal Description:	Lot 4 & East 20' OF Lot 5, Block 55, NCB 8632
Zoning:	"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

### **Request**

A request for 1) a 420 square-foot variance from the minimum 6,000 square foot requirement, as described in Section 35-310, to allow a lot size of 5,580 square feet, 2) a 1' variance from the minimum 20' garage setback, as described in Section 35-516, to allow a garage to be 19' away from the front property line, and 3) a 7' variance from the minimum 20' rear setback, as described in Section 35-310, to allow a residential structure to be 13' away from the rear property line.

### **Executive Summary**

The subject property is located along West Mayfield Drive and is currently vacant. The applicant is proposing to construct a single-family dwelling with a garage. The proposed site plan shows the dwelling to be encroaching into the 20' rear setback and the garage is encroaching on the 20' garage setback. Additionally, the property is zoned "R-6" Single-Family Residential District which requires a lot size of at least 6,000 square feet, and the lot currently is 5,580 square feet. The applicant is also seeking a minimum lot size variance. The lot size variance is also needed in order for the applicant to obtain a Certificate of Determination.

### **Code Enforcement History**

There is no relevant Code Enforcement History for the subject property.

### **Permit History**

There are no relevant permits found for the subject property.

### **Zoning History**

The subject property was annexed into San Antonio City Limits on August 3, 1944, established by Ordinance 1259, and was zoned “B” Residence District. The zoning changed to “R-1” Single Family Residential District on March 17, 1977, established by Ordinance 47762. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” to the current “R-6” Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

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

<b>Existing Zoning</b>	<b>Existing Use</b>
“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
South	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
East	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence
West	“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Residence

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

The subject property is located within the Kelly/South San Pueblo Community Plan and is designated “Low Density Residential” in the future land use component of the plan. The subject property is located within the Quintana Community Neighborhood Association and were notified of the case.

### **Street Classification**

West Mayfield Drive is classified as a local road.

### **Criteria for Review - Variances**

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. The proposed development meets the side and front setbacks, and there doesn't appear to be a reason for a rear setback variance.

**Staff finds that the lot size variance and garage setback variance are not contrary to the public interest.**

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 the applicant adjusting the setbacks for the dwelling and the garage. The applicant has side setbacks greater than the minimum requirement, so the design can be altered to meet the rear setback requirement.

**The lot is currently vacant and in order to build on the lot the property needs a Certificate of Determination (COD). The lot size variance is required in order to successfully be granted a COD.**

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. While 13' provides an adequate space from the rear property line, the lot appears to be wide enough to build the project wider and meet the 20' rear setback.

**The variances for the lot size and the garage setback maintain the spirit of the ordinance and substantial justice will be done.**

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.*

**Staff finds the variance requests to the rear setback will not injure the appropriate use of adjacent properties or alter the essential character of the district. The property is located where many other older dwellings are constructed, and there seem to be many others that are built with similar setbacks.**

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 plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property such as the reduced amount of available space. The requests to not appear to be merely financial in nature.**

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Lot and Building Dimensions of the UDC Section 35-310 and the Setback & Frontage Regulations of Section 35-516.

#### **Staff Recommendation - Rear Setback Variance**

Staff recommends Denial in BOA-21-10300099 based on the following findings of fact:

1. The minimum required rear setback for a primary structure should be 20'; and
2. There do not appear to be any unique circumstances on the subject property that would interfere with providing a 20' rear setback.

#### **Staff Recommendation - Garage Setback & Lot Size Variance**

Staff recommends **Approval** in **BOA-21-10300099** based on the following findings of fact:

1. The lot currently measures 5,580 square feet; and
2. The driveway in front of the garage will be 19' in depth behind the front property line.