



City of San Antonio

Agenda Memorandum

File Number:21-5373

Agenda Item Number: 7.

Agenda Date: 9/20/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300103
Applicant:	Clara Sanchez
Owner:	Clara Sanchez
Council District:	1
Location:	2615 W Poplar Street
Legal Description:	Lot 17 & 18, Block 15, NCB 6054
Zoning:	"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for 1) a 10' 4" variance from the minimum 20' rear setback, as described in Section 35-310, to allow a structure to be 9' 8" away from the rear property line and 2) a 204 square foot variance from the minimum lot size requirement of 4,000 square feet, as described in Section 35-310, to allow a lot to be 3,796 square feet.

Executive Summary

The subject property is located along West Poplar Street near Northwest 19th Street. The subject property is currently a vacant lot and is zoned "MF-33" Multi-Family District. The applicant is proposing to build a two-story residential structure on the property and is requesting a variance to the rear property line and a variance for the minimum lot size requirement in order to better-accommodate the new construction. There is currently a construction pad for the foundation, which staff measured to the base of the pad being 9' 8" away from the fence along the rear property line.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

Permits have recently been pulled for the renovation of the structure.

Zoning History

The subject property is located within the Original 1938 City Limits of San Antonio and was zoned "C" Apartment District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "C" to the current "MF-33" Multi-Family District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland 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	"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	"MF-33 MLOD-2 MLR-2 AHOD" Multi-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within a plan area therefore consistency is not applicable. The subject property is located within the Prospect Hill / West End Hope in Action Neighborhood Association and were notified of the case.

Street Classification

West Poplar Street is classified as a local road.

Criteria for Review - Side and Rear Setback 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 applicant is requesting a variance to the rear setback and the minimum lot size in order to allow the construction of a residential dwelling. The variances do not appear to be 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 having to revise plans to reduce square footage of home or possibly unable to construct a residential house due to lot size. There are other residential structures in the area that are built closer to the property line with similar lot sizes.

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 residential structure will maintain 9' 8" of space from the rear property line which observes the spirit of the ordinance.

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.*

If granted, the structure will maintain 9' 8" from the rear property line, and have a 3,796 square foot lot size which is not likely to alter the essential 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.*

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. The proposed residential structure will match in size and comparison to other houses in this neighborhood and the lot size is similar to neighboring lots in this neighborhood. The circumstances were not created by the owner and are not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the rear setbacks, or not to build a structure at all due to minimum lot size requirement per UDC Section 35-310.

Staff Recommendation - Rear Setback and Minimum Lot Size Variance

Staff recommends **Approval** in **BOA-21-10300103** based on the following findings of fact:

1. The primary structure will maintain a 9' 8" setback from the rear property line; and
2. The proposed structure will be similar in design to others in the surrounding area; and
3. The current lot size is similar to other the smaller lot sizes in the area; and
4. The construction of this residential home will help enhance the surrounding neighborhood; and
5. The construction of this structure will not have an adverse effect on the neighboring properties.