



City of San Antonio

Agenda Memorandum

File Number:21-5374

Agenda Item Number: 10.

Agenda Date: 9/20/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300108
Applicant:	Thomas Carrasco
Owner:	Thomas Carrasco
Council District:	2
Location:	447 Vine Street
Legal Description:	South 84.9 feet of Lot D, Block 5, NCB 2954
Zoning:	"RM-4 MLOD-3 MLR-2 AHOD" Mixed Residential Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Roland Arsate, Planner

Request

A request for a 1,843 square foot variance from the minimum lot size requirement of 4,000 square feet, as described in Section 35-310, to allow a lot size of 2,157 square feet.

Executive Summary

The subject property is located along Vine Street near South Walters Street. The subject property is currently a vacant lot and is zoned "RM-4" Mixed Residential District which requires a minimum lot size of 4,000 square feet. The applicant is proposing to build a residential structure on this property and is requesting a variance to the minimum lot size variance requirement.

Code Enforcement History

There are no relevant Code Enforcement violations pending.

Permit History

There are no relevant permits associated with the property.

Zoning History

The subject property is located within the Original 1938 City Limits of San Antonio and was zoned “J” Commercial District. The property was rezoned to “R-2” Two-Family Residence District by Ordinance 79329, dated December 16, 1993. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-2” to the current “RM-4” Mixed Residential District, established by Ordinance 93881, dated May 3, 2001.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"RM-4 MLOD-3 MLR-2 AHOD" Residential Mix Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"RM-4 MLOD-3 MLR-2 AHOD" Residential Mix Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	"RM-4 MLOD-3 MLR-2 AHOD" Residential Mix Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	"RM-4 MLOD-3 MLR-2 AHOD" Residential Mix Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	"RM-4 MLOD-3 MLR-2 AHOD" Residential Mix Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is designated “Medium Density Residential” in the future land use component of the Denver Heights Community Plan. The subject property is located within the Denver Heights Neighborhood

Association and they were notified of the case.

Street Classification

Vine 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 minimum lot size variance in order to allow the construction of a residential house.

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 unable to construct a residential house due to minimum lot size conflict.

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 proposed residential structure will be built on a lot size of 2,157 square feet and will still need to abide by the required setbacks, 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 have a 2,157 sq ft 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 lot size was a portion of a larger lot which was

divided up into a smaller lot. 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 rezone the property or not build a structure due to minimum lot size requirements per UDC Section 35-310.

Staff Recommendation - Rear Setback and Minimum Lot Size Variance

Staff recommends **Approval** in **BOA-21-10300108** based on the following findings of fact:

1. The lot size is currently 2,157 square feet; and
2. The current configuration of the lot is due to the splitting of a larger lot; and
3. The construction of this residential home will help enhance the surrounding area; and
4. The construction of this structure will not have an adverse effect on neighboring properties.