



# City of San Antonio

## Agenda Memorandum

**File Number:**15-4879

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**Agenda Item Number:** 7.

**Agenda Date:** 9/23/2015

**In Control:** Planning Commission

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**DEPARTMENT:** Development Services

**SUBJECT:**

17388 Shady Falls

**SUMMARY:**

Request by Rosa I. Santos, for approval of a certificate of determination for a 1.10 acre tract of land, generally located on the east side of Shady Falls, southwest of Old Corpus Christi Road. Staff recommends Denial. (Donna Camacho, Sr. Planner, donna.camacho@sanantonio.gov, Development Services Department)

**BACKGROUND INFORMATION:**

Council District: OCL  
Owner: Narciso and Rosa Santos  
Staff Coordinator: Donna Camacho, Sr. Planner

**ANALYSIS:**

**Zoning:**

The property is located outside the city limits of San Antonio, therefore zoning is not applicable

**Use:**

Single-Family Residential

**Background information:**

The owners applied for a certificate of determination with the intent to receive electricity and water services to build a new house. Originally, they owned a total of 11 acres with three (3) residential structures on the property, one was theirs and the other two belonged to their sons. Because they were on the verge of the foreclosure, their son took out a second mortgage on his home and to pay him back they gave him 7.236 acres, then they gave the other son 1.882 acres where his home was located. They then obtained a reverse mortgage on their home to help repay their son's second mortgage. When they realized that the interest rate on the reverse mortgage was so high, and that if anything happened to Mr. Santos, she would lose her home because she did not qualify for the reverse mortgage due to her age, they decided to sell 0.78 acres of the 1.882 acres along with their home. Their son retained another portion of the land and the other home, leaving them with only 1.10 acres. They are appealing because they disagree that the section of the code 35-430(c)11(c).

The property has frontage on a public road way and is not located within a regulated floodplain.

## **ALTERNATIVES:**

The Planning Commission may deny the appeal based on Unified Development Code (UDC) Sec. 35-430(c) *Plat Exceptions*. If the appeal is denied the lot must be platted.

The Planning Commission may approve the appeal based on a determination that staff's interpretation of the Unified Development Code, Section 35-430(c)(11)(c) and application was done in error.

## **RECOMMENDATION:**

Staff recommends disapproval of a request for a single family residential utility connection, and thus a waiver of the platting requirement. The recommendation is based upon the following:

- Staff recognizes the applicant's distressing circumstance; however, it is the opinion of staff that if the request is granted, it will undermine the enforcement of the UDC, as noted above.
- The applicant does not meet any of the plat exceptions as outlined in the UDC, as per section 35-430(c) 1 through 15, as attached.
- The applicant has not demonstrated a unique hardship that relates to the land, rather than personal circumstances.
- If the appeal is granted it will set a strong precedence to property owners in the area to illegally subdivide their property, request similar certificate of determination appeals; and ultimately waive the platting requirements.