



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 6, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300067

**APPLICANT:** Santiago Anguiano

**OWNER:** Progresso Builders LLC

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 8022 and 8026 Airlift Avenue

**LEGAL DESCRIPTION:** Lots 11 and 12, Block 2, NCB 15514

**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:** Colton Unden, Planner

**A request for**

1) A 6" variance from the minimum 50' width to allow a width of 49'-6" on two lots.  
Section 35-310.01

**Executive Summary**

The subject property is located along Airlift Avenue, east of Southwest Loop 410, and south of Marbach Road. Before construction on the two vacant lots, it was identified that the lot width, at their narrowest points, was 49.66' at 8026 Airlift and 49.51' at 8022 Airlift. The required lot width for R-6 zoned property is 50'. The applicant is requesting a 6" variance to allow a lot width of 49.5' on the two lots. Airlift Subdivision Replat (Plat 20-11800311) was established on April 22, 2021 with the establishment of the substandard lots due to staff oversight. The Unified Development Code allows Development Services to issue up to a 6 inch administrative variance, however that is limited to heights and setbacks, not lot widths.

### **Code Enforcement History**

No relevant code enforcement history exists for the property in question.

### **Permit History**

The issuance of a building permit is pending the outcome of the Board of Adjustment.

### **Zoning History**

The subject property was annexed into the City of San Antonio by Ordinance 41422, dated December 25, 1972, and zoned Temporary "R-1" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District converted to the current "R-6" Residential Single-Family District.

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

#### **Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

#### **Existing Use**

Vacant Lots

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

#### **North**

#### **Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

#### **Existing Use**

Single-Family Residential

#### **South**

#### **Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

#### **Existing Use**

Single-Family Residential

#### **East**

#### **Existing Zoning**

"R-6 MLOD-2 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

#### **Existing Use**

Single-Family Residential

#### **West**

#### **Existing Zoning**

“R-6 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 1 Airport Hazard Overlay District

**Existing Use**

Single-Family Residential

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West/ Southwest Sector Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the boundary of the Lackland Terrace Neighborhood Association, and they have been notified of the request.

**Street Classification**

Airlift Avenue is classified as a local road.

**Criteria for Review – Lot Width Variance**

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. In this case, the public interest is represented by minimum lot widths to prevent development crowding into narrow lots. Staff finds this request is not contrary to public interest, as the applicant is abiding by the setback requirements, which will not infringe onto the neighboring properties.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

In this case, the special condition found on the subject property is the narrow lot width. Without this variance, an unnecessary hardship will prevent the applicant from developing this lot.

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 applicant is requesting this variance prior to construction. Additionally, all other building requirements, such as setback minimums, building height, and lot density, are all being abided by. The spirit of the ordinance will be observed by granting this variance.

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 lots will maintain 49 feet 6 inches in width, which will not injure the use of adjacent conforming properties. Upon site visits, staff has found that the 6-inch width variance will not alter the essential character of the district and setback regulations will insure adjacent properties remain uninjured.

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 narrow width of the lot. The circumstances do not appear to be merely financial.

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

The alternative to the applicant's request is to conform to the Lot Dimension Regulations in Section 35-310.01 of the Unified Development Code.

### **Staff Recommendation – Lot Width Variance**

Staff recommends Approval in BOA-24-10300067 based on the following findings of fact:

1. The request will not alter the essential character of the neighborhood.
2. The property will be abiding by all other dimension and setback requirements.