



City of San Antonio

Agenda Memorandum

Agenda Date: August 19, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Department Head

CASE NUMBER: BOA-24-10300141

APPLICANT: Ernest Romero

OWNER: Ernest Romero

COUNCIL DISTRICT IMPACTED: District 2

LOCATION: 621 Iowa Street

LEGAL DESCRIPTION: East 45.83 feet of Lot 9, Block B, NCB 639

ZONING: "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

CASE MANAGER: Colton Unden, Planner

A request for

An 1,838 square feet variance from the minimum lot size requirement of 4,000 square feet to allow development on 2,162 square feet lot.

Section 35-310.01

Executive Summary

The subject property is located along Iowa Street, south of Martin Luther King Drive, located within the Denver Heights Neighborhood Association. The applicant is seeking to develop a single-family home on the RM-4 lot that is 2,162 square feet. The minimum lot size for an RM-4 is 4,000 square feet. Lots to the west and east are similarly sized. Development on an RM-4 with less than 4,000 square feet is limited to 1 dwelling unit, regardless of the BOA decision to approve a variance to the minimum lot size.

Code Enforcement History

No relevant code enforcement history.

Permit History

The issuance of build permits is pending Board of Adjustment outcome.

Zoning History

The subject property was included in the original 36 square miles of the City of San Antonio and was originally zoned “C” Apartment District. The property was rezoned by Ordinance 79329, dated December 16, 1993, from “C” Apartment District to “R-2” Two Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the properties zoned “R-2” Two-Family Residence District converted to the current “RM-4” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Vacant Lot

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

South

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

East

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Vacant Lot

West

Existing Zoning

“RM-4 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Eastside Community Area and is designated as “Medium Density Residential” in the future land use component of the plan. The subject property is located within the Denver Heights Neighborhood Association, and they have been notified of this request.

Street Classification

Iowa Street is classified as a Minor Secondary Arterial B.

Criteria for Review – Minimum Lot Size 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. The applicant is requesting an 1,838 square feet variance from the 4,000 square feet minimum lot size requirement. The variance request does not appear to be contrary to the public interest as granting the variance would be in line with other lot sizes in the area.

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 having to rezone which would result in an unnecessary hardship.

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 request appears to be in the spirit of the ordinance as the requirement is there to protect the neighborhood, and there are other single-family homes on similar lot sizes in the area.

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 that the variance would not substantially injure the appropriate use of adjacent properties as many other lots do not meet the minimum lot size requirements.

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 current size of the lot.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the minimum lot size requirements of the UDC Section 35-310.01.

Staff Recommendation – Minimum Lot Size Variance

Staff recommends Approval in BOA-24-10300141 based on the following findings of fact:

1. Other single-family homes in the area are built on similarly sized lots.
2. It will not alter the essential character of the district.