



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 23, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300169

**APPLICANT:** Christopher Rocha

**OWNER:** Bicoastal Ventures LLC

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 237 and 239 Carle Avenue

**LEGAL DESCRIPTION:** Lots 9 and 10, NCB 6862

**ZONING:** "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 District

**CASE MANAGER:** Melanie Clark, Planner

**A request for**

A 200 square-foot variance from the minimum 4,000 square-foot minimum lot size to allow residential development on two 3,800 square-foot lots.  
Section 35-310.01 (Table 310-1)

**Executive Summary**

The subject property is located north of Interstate 10 East, east of San Pedro Creek Greenway and Park Row Street on Carle Avenue. The applicant, on behalf of the property owner, is requesting a 200 square-foot variance to allow residential development on two abutting 3,800 square-foot lots.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

The subject property is a part of the original 36 miles of the City of San Antonio and was zoned “C” Apartment District. With the adoption of the 2001 Unified Development Code, established by Ordinance 93881, on May 3, 2001, the zoning converted to “MF-33” Multi-Family District. The property was rezoned by Ordinance 2006-12-14-1441 dated, December 11, 2006, from “MF-33” Multi-Family District to “R-4” Residential Single-Family District.

**Subject Property Zoning/Land Use****Existing Zoning**

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 District

**Existing Use**

Single-Family Residence

**Surrounding Property Zoning/ Land Use****North****Existing Zoning**

“R-5 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 District

**Existing Use**

Single-Family Residence

**South****Existing Zoning**

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 District

**Existing Use**

Single-Family Residence

**East****Existing Zoning**

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 District

**Existing Use**

Single-Family Residence

**West****Existing Zoning**

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 District

**Existing Use**

Single-Family Residence

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Downtown Area Regional Center Plan and designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of Lone Star Neighborhood Association and have been notified.

### **Street Classification**

Carle Avenue is classified as a Local Road.

### **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. In this case, the public interest is represented by minimum lot sizes 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 lot size. 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 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 lot will maintain 3,800 square feet in size, which will not injure the use of adjacent conforming properties. Upon site visits, staff has found that the 200 square foot variances for the abutting lots 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 variances are sought is due to unique circumstances existing on the property, such as lot size and 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 and Building Dimension Regulations of Section 35-310.1 (Table 310-1) of the Unified Development Code.

**Staff Recommendation – Minimum Lot Size Variance**

Staff recommends **Approval** in BOA-24-10300169 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.