

Case Number:	BOA-22-10300104
Applicant:	Bexar Engineers & Associates
Owner:	Maria Galvan
Council District:	4
Location:	786 Gillette Boulevard
Legal Description:	Lot 8 & 9, Block 89, NCB 11065
Zoning:	"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Rebecca Rodriguez, Senior Planner

Request

A request for a variance from the frontage requirement, as described in Section 35-515(c)(4), to allow the frontage of single-family residential lots on a Collector Street.

Executive Summary

The subject property is located on the corner of Gillette Boulevard and Rockwell Boulevard. Earlier this year, the property was rezoned to the current “R-4” Residential Single-Family District with the intent to subdivide the property into five (5) platted lots to develop a single-family dwelling on each, with the lots facing Rockwell Boulevard. The applicant submitted a replat application with Development Services, and during the review process it was determined that a variance from the frontage requirement would be required due to the frontages being over 70’ which classifies Rockwell Boulevard as a collector street. When developing a single-family lot, Section 35-515 of the code states that a frontage cannot be located on a collector street. The property is also located off Gillette Boulevard, a Secondary Arterial A street, which also prohibits frontage of single-family residential lots.

Code Enforcement History

There are no code investigations for this property.

Permit History

There are no permits on file for the property.

Zoning History

The property was annexed into the City of San Antonio by Ordinance 18115, dated September 25, 1952, and zoned “B” Residence District. The property rezoned under Ordinance 39825, dated August 19, 1971, from “B” Residence District to “B-2” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001 the property zoned “B-2” Business District converted to the current “C-2” Commercial District. Ordinance 2022-06-02-0410 rezoned the property to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland 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	"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
South	"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
East	"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence
West	"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West Sector Plan and is designated “General Urban Tier” in the future land use component of the plan. The subject property is located within an area where there are no registered neighborhood associations.

Street Classification

Gillette is classified as a Secondary Arterial A street and Rockwell is classified as a collector.

Criteria for Review - 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 from the frontage requirement to allow residential lots to front on a Collector street for access to the property. The request does not appear to be contrary to the public interest as Rockwell is not a high traffic street.

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 not allowing frontage on Rockwell Boulevard, leading to possible no access into the property. The property is on the corner of Gillette Boulevard and Rockwell Boulevard, both which prohibit frontage of single-family residential lots, leading to 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. A variance to allow frontage on a collector street will observe the spirit of the ordinance, as this access is a safer and a better alternative than having the frontage on Gillette Boulevard. The variance appears to observe 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.*

Staff finds the request does not negatively affect adjacent neighboring properties due to the other residential lots fronting off Rockwell.

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 does find the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property. Without the variance, the property could not be redeveloped. The request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot Layout Regulations of the UDC Section 35-515(c)(4).

Staff Recommendation – Lot Frontage Variance

Staff recommends **Approval** in **BOA-22-10300104** based on the following findings of fact:

1. Other lots were found to have access off Rockwell Boulevard in the immediate area; and
2. There appears to be unique circumstances on the property that prohibits lot frontage off Rockwell Boulevard and Gillette Boulevard therefore inaccessible; and
3. The variance request does not appear to alter the essential character of the district.