

Case Number:	BOA-22-10300167
Applicant:	Stewart Blanton
Owner:	Greater Joy Temple Church of God
Council District:	6
Location:	403 & 407 Laverne Avenue
Legal Description:	Lots 14 and 15, Block 11, NCB 9271
Zoning:	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District.
Case Manager:	Richard Bautista-Vazquez, Planner

Request

A request for a 14' variance from the minimum 20' rear setback requirement, as described in Section 35-310.01 to allow a structure to be 6' from the rear property line

Executive Summary

The subject property is located on a corner lot on Laverne Avenue and contains a vacant lot. The applicants site plan has the proposed structure 6' from the rear property line. The applicant has applied for the variance prior to commencing the construction of the structure. The proposed building will be 85' in length and 50' in width, per site plan. The applicant has indicated there are 98 seats in the sanctuary portion of the church, which would require 12 parking space. The lot that the church is in will have 22 parking spaces after additions are made.

Code Enforcement History

There are no code violations for this property.

Permit History

There are no permits on file for the property. The permit for the structure is pending the outcome of the Board of Adjustment Hearing.

Zoning History

The subject property was located within the original 36 square miles of the City of San Antonio and zoned “C” Apartment District. The property was rezoned by Ordinance 68337, dated November 17, 1988, to “R-7” Small Lot Home District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-7” Small Lot Home District converted to “R-4” Residential Single- Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.	Vacant lot

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.	Single-Family Residence
South	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.	Single-Family Residence
East	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.	Vacant Lot
West	“R-4 MLOD-2 MLR-1 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District.	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West/Southwest Sector Plan and is designated “General Urban Tier” in the future land use component of the plan. The subject property is located within the Community Workers Council Neighborhood Association and were notified of the case.

Street Classification

Laverne Avenue and Estrella Street are classified as local roads.

Criteria for Review – Rear Setback 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 variance to the rear setback to allow a structure to be 6’ from the rear property line. The structure will meet the front and side setback requirement and does not appear to be contrary to the public interest.

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 the applicant having to maintain 20’ from the rear property line. Staff finds an unnecessary hardship since the lot is too small to allow the development of a structure with this requirement.

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 structure has not been constructed and the proposed setback is 6’ from the rear property line. The spirit of the ordinance will be observed as there will still be reasonable space between the structure and neighboring properties.

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 does not find evidence that the requested variance would alter the essential character of the district. The neighborhood in which the subject property is located has several similar sized lots.

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 the size of the lot. Because of the width of the lot and configuration of the existing residence, maintaining a 20' rear setback is not achievable. The request is not merely financial.

Alternative to Applicant's Request

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

Staff Recommendation – Rear Setback Variance

Staff recommends **Approval** in **BOA-22-10300167** based on the following findings of fact:

1. The structure has not been constructed; and
2. The structure conforms to the front and side setback requirements; and
3. There is a limited amount of space available to comply with the rear setback and to develop a structure.