

Case Number:	BOA-22-10300206
Applicant:	Matthew Morales
Owner:	Villanueva Johnny Ray & Villanueva Laurin Ulivia
Council District:	3
Location:	1751 Amanda Street
Legal Description:	The south 70 feet of the north 220 feet of Lot D, Block 15, NCB 7539
Zoning:	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District
Case Manager:	Joseph Leos, Planner

Request

A request for 610 square foot variance from the 6,000 minimum lot size, as described in Section 35-310.01, to allow a lot to be 5,390 square feet.

Executive Summary

The subject property is located along Amanda Street near the intersection of Rigsby Avenue and Roland Avenue. The applicant is proposing a variance to the minimum lot size to construct a new single family residential dwelling. Upon site visits, staff observed the subject property was one of four vacant lots in the immediate area.

Code Enforcement History

Overgrown Yard Investigation- May 2022

Permit History

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

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 1256, dated August 2, 1944, and originally zoned "C" Apartment District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "C" Apartment District converted to "MF-33" Multi-Family District. The property rezoned under Ordinance 2009-12-03-0993, dated May 21, 2015, from "MF-33" Multi-Family District to the current "R-6" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Vacant Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
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North	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Vacant Residential
South	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
East	"R-4 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Single-Family Residence
West	"R-6 MLOD-3 MLR-2" Residential Single-Family Martindale Army Airfield Military Lighting Overlay Military Lighting Region 2 District	Vacant Residential

Comprehensive Plan Consistency/Neighborhood Association

The subject property not a part of a Neighborhood Community Perimeter Plan and there is no future land use designation. The subject property is located within the boundary of the Pasadena Heights Neighborhood Association, and they have been notified of the request.

Street Classification

Amanda Street is classified as a local road.

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 public interest is defined as the general health, safety, and welfare of the public. The applicant is requesting a variance for 610 square feet from the 6,000 minimum lot size to allow a lot to be 5390 square feet, which 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 not being able to construct the single-family dwelling, as the lot size does not meet the minimum square footage required

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 proposed variance of 610 square feet will observe the spirit of the ordinance and substantial justice will be served as there are other properties with similar lot sizes and dimension were observed in the immediate 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.*

The essential character of the district will not be altered, as the request for a 610 square feet variance will be harmonious with the lot shape and sizes in the surrounding area.

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 small amount of available space and uniform lot sizes in the immediate vicinity. Concluding, the request is not merely financial.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Lot and Building Dimensions of the UDC Section 35-310.01.

Staff Recommendation – Minimum Lot Size Variance

Staff recommends **Approval** in **BOA-22-10300206** based on the following findings of fact:

1. There are lots with similar size and dimensions found in the immediate area; and
2. The variance to the minimum lot size will not adversely affect neighboring properties.